




---

T H E  
D E B A T  
A N D  
P R O C E E D I N G S  
O F T H E  
O U S E O F C O M M O N S

---

*Friday, May 4.*

P R I N C E O F W A L E S.

soon as the Chancellor of the Exchequer came into the House, a profound silence took place, although we ever witnessed a fuller attendance, and the Speaker called to Mr. Alderman Newnham,

Alderman *Newnham* rose, and addressed      Chairman Alderman  
following words:—      Newnham.

S I R,

I am extremely happy that the Motion which I was to read the house of making this day, is *now* no longer a matter of course; and it is with the most sincere and heartfelt satisfaction that I inform the House that I decline bringing it

*Drake* then rose, and began with saying, that as the Mr.

who had joined his *feeble* voice I s Mr. Drake  
III.      B      possesses





possesses a most powerful voice, and always speaks un-  
usually loud, there was an universal roar of laughter.]

Drake, with great good humour, joined in the mirth of  
the moment, and rallied, by saying, that undoubtedly his voice  
was a feeble by nature, but most feeble when weighed by  
the importance of the person who professed it; he  
joined however, his hearty voice to those most honoured &  
respectable men, who had endeavoured to persuade the H<sup>on</sup>  
Alderman to desist from his purpose, and his motive for  
doing, had been a sincere wish to soothe and not to irritate  
to calm and not disturb, to heal and not to wound, where  
hoped the most perfect harmony and happiness always to  
vail. He declared his unfeigned joy at having heard that  
motion was not to be made, and said, it must fill with glad-  
ness every heart that felt as it ought to do, a due respect  
parental authority, and filial duty and obedience, and a pro-  
fense of the honour of that House, and of the country.

Time that threatened so much evil was passed, and he trust  
for ever passed, and that they should never find any branch  
the Royal Family standing forward in that House against  
Sovereign, litigant and hostile. Mr. Drake professed his  
alloy and attachment to his Sovereign, the love of whose  
people, for his royal person, had, he said, on a late affected  
occasion, been manifested in a way the most evident  
universally distinguishing. He declared his anxious wish  
that his majesty might continue to reign over a great, a brave  
and an united people, till the utmost period of humanity,  
that when by a course of nature his successor should mount  
his throne, that he might copy the pious example of his  
father, and by the same purity of manners, and the same  
tenor of conduct, render himself equally the object of the  
people's love, respect, and reverence. He spoke of his  
majesty in terms of enthusiastic esteem and admiration, and  
a variety of ardent expressions of satisfaction, in which  
he termed the *sunshine of the day*, from the happiness of the





ad occurred, he thanked the House for their indu'gence, declared, the warmth of his feelings had impelled him, & for the few thoughts that occurred to him, in a very imperfect and unconnected style, but the excessive gladness of heart was superior to eloquence, and the pleasures of conversation almost deprived him of the power of expressing his sentiments intelligibly.

The *Chancellor of the Exchequer* said, he believed he need not Mr. W. Pitt. now heartily he concurred in the joy which the Hon. Member expressed, and which he was convinced every Member felt in common with him, at finding that the Hon. Member had at last discovered, that in consequence of steps recently taken by his Royal Highness the Prince of Wales, the measure which he had taken was unnecessary; and which he was convinced none of those Gentlemen intended to support it, would have supported if they had been convinced of its necessity, but which those who intended to oppose it, were equally convinced was not necessary. He could not, for his own part, avoid declaring, that as he all along considered it to be unnecessary, so he did not think it was more so than at the time the notice was given, and he was extremely happy to find that the Hon. Alderman and he were at last of the same opinion on the subject.

Mr. Rolle declared, that he was extremely glad to find that Mr. Rolle's motion that could not be discussed without infinite mischief to the country, was withdrawn. He said, what the terms upon which the difference had been compromised, was quite secret to him, but whatever the terms were, if it should hereafter appear that any concessions had been made humiliating to the country, or dishonourable in themselves, he would be the man to stand up in that House, and stigmatise them as they deserved. He hoped, however, that was not the case, and he sincerely rejoiced that the motion was withdrawn.





Mr. *Fox* said, he trusted nothing would occur to disturb unanimity that every man must wish should mark the conduct, on an occasion in which every man must feel the satisfaction, and he would certainly take care that no he should cause the discussion of a subject that had better remain as it was; but it was incumbent upon him to declare that he was then, as much as he ever had been, convinced that the motion had been necessary, as much so as he was at that moment convinced it was no longer necessary. Mr. *Fox* added, that it would remain to be seen by substantial acts, whether the motion had been necessary or not.

Mr. *W. Pitt*. The *Chancellor of the Exchequer* said, that he was equally averse with the Right Hon. Gentleman from saying anything that could lead to a discussion of the subject, but he must say that he knew of nothing that could make the motion less necessary now than it had ever been, for nothing had taken place that might not have been brought about, without such interference as that which had been resorted to. As to what the Hon. Gentleman (Mr. *Rolle*) had said, of terms and conditions, he knew of none that had been made; and in respect to substantial actions that the Right Hon. Gentleman had alluded to, there was nothing could be done on one side except in consequence of certain steps to be previously taken on the other.

Mr. *Rolle*. Mr. *Rolle* rose again, and said he had, he trusted the greatest loyalty for his Sovereign, and for every part of the Royal Family, whom he should ever wish to see supported with a dignity becoming their rank, and becoming the glory of the country; but his feelings went not to the individual; he had no personal favour to look for or expect, and he wished his future actions to be the test of his conduct. With respect to what he might do in respect to the subject under consideration, he stood there in a public character as a Member





ent, having a public duty to discharge, and therefore repeat, that if it should hereafter appear that the compromise had been humiliating or dishonouring, should hold it incumbent upon him to declare that were so, without at all considering who it might affect.

*Chancellor of the Exchequer* assured the Hon. Gentleman, Mr. W. Pitt. that no person could entertain a doubt of his being situated in the most pure and loyal that any Gentleman could be. It was a subject on which he hoped and believed no man could act on motives of a different nature. As to the apprehensions of dishonourable concessions having been made, there were no concessions of any sort made on the part of the person, who was the highest and most distinguished could be, on the present occasion alluded to; the conduct of that person had pursued was uniform and consistent throughout, and he had not, in any one instance, departed from those principles that had all along influenced him.

*Fox* rose again to observe, that he had said nothing in those terms, and that he thought the mention of any thing of the kind was highly improper, and as objectionable as the Right Hon. Gentleman could possibly think it himself; but as the Hon. Gentleman had thought proper to say, that the conduct of one party had been uniform and consistent, it became his duty to declare, that the conduct of the other party had also had been equally uniform, and that the most clear and explicit declaration had been made to explain, that nothing of the kind was most respectful and most proper had ever been made. It was therefore to be hoped, that both parties, by mutually pursuing their separate and distinct lines of conduct, would meet at last, and when the difference that had prevailed would be found to have arisen merely from a misunderstanding, a complete reconciliation should take place.

*Sheridan* concluded with paying a delicate and judicious compliment to the Lady to whom it was supposed that the parliamentary allusions had been pointed, affirming, that





## PARLIAM E N T A R Y

that ignorance and vulgar folly alone could have perf in attempting to detract from a character, upon which could fix no just reproach, and which was in reality to the truest and most general respect.

### T H O R S E T A X F A R M I N G B I L L.

The Order of the Day was read for the House to reit itself into a Committee upon the Bill, authorizing the F ing of the Tax on Post Horses, and upon the Speaker's pu the question, " that he leave the Chair,"

heri- Mr. *Sheridan* rose and said, he would t detain the 1. two minutes, but as he had happened to e otherwise engage and not able to attend his duty in that se when the B had been last debated, he thought it necessary to say, that should take the opportunity of delivering his sentiments agai the Bill at the next proper stage of it, viz. the third readin for the present, as he considered the Bill as totally unfit pass, he should take the sense of the House against the Speak leaving the Chair.

The House accordingly divided,

*Ayes* 147, *Noes* 100.

The House then went into a Committee, and filled up blanks after a long and desultory conversation upon the sev topics that the different blanks suggested. The speakers w the Chancellor of the Exchequer, Mr. Rose, the Master the Rolls, Mr. Smith, Mr. Pulteney, Mr. Powys, Drake, &c. &c. &c.

Having gone through the Bill, the House was resi and after ordering the Report to be received on Monday, House adjourned, it being eight o'clock.





*Monday, May 7.*

# S P I R I T R E T A I L E R S L I C E N C E S.

Order of the Day having been read for the House to itself into a Committee of Ways and Means, the left the Chair, and Mr. Gilbert took his seat at the

*Chancellor of the Exchequer* rose in pursuance of the Mr. W. Pitt. he had given, to propose an additional price on the s of Retail Dealers in Spirit. The House would re-  
 Et, that when he first mentioned his intention of pro-  
 ing this measure which was on his opening the question  
 ie French Commercial Treaty, he had stated two reasons  
 ch induced him to determine on that measure, the one for  
 purpose of making some compensation to counterbalance  
 eventual loss the revenue might sustain from the reduction  
 ie duties on spirits, and the other to apply some check to  
 tailing of spirits among the lower classes of people, which  
 otherwise be too much increased in consequence of that  
 lion, to the great prejudice of the morals and industry of  
 untry.—He had in arranging this new duty, endeavour-  
 proportion it in that manner, that had always been fol-  
 d by him whenever it was applicable to the subject, by  
 easing it according to the rate of the circumstances of those  
 vere to pay it. The criterion he had in this instance  
 to ascertain that proportion, was one to which he be-  
 no objection could be made in point of reasonable fair-  
 and accuracy;—it was the rent of the House. He be-  
 this was in general an unerring guide by which to  
 te the trade of a public-house, because the rent was  
 sure to rise or fall with the business, which was evident  
 he *good will* of such houses, which signified the trade  
 ways considered in bargaining either for the rent or  
 es of them. He proposed to lay an addition of 2l.





on every licence where the rent of the house did not <sup>have</sup> exceed 10l. per annum; an addition of 2l. 8s. where the rent exceeded 10l. and did not pass 15l. and so on, increasing the rate on 9s. for every increase of 5l. in the rent, up to 5l. per annum; but after that he should make no distinction, it had learnt from very accurate enquiries, that in houses higher rent than 50l. there was rather a less consumption of spirits than in lower rented houses.—In order that this might fall less heavily on those who were to pay it, he proposed that it should be paid by instalments of six weeks which would make eight payments in the year, by means the retailer would have to pay it very shortly after he had himself received it from his customer; and thus the several payments from the lowest class of houses would be but a trifle each, which would be so trifling that it could hardly be felt. The method of collecting it, was to be by the Excise Officers in their rounds.—The whole amount of the addition he expected would arise to revenue from this measure, he estimated at about 80,000l.

He then moved, that an additional duty of 2l. should be paid for a licence to retail spirits, in any house, the rent of which did not exceed 10l. per annum.

Alderman  
Hammet.

Mr. Alderman *Hammet* said, he should always object to personal taxes, as of a nature invidious and unconstitutional. He had before stated his objections to taxes that went to find out particular descriptions of men, and unless it was not possible to raise the money in any other way, he should still object to such a tax, as repugnant to the principles and spirit of a British Government.

#### D R A W B A C K O N W I N E.

The House having resolved itself into a Committee of the whole House, Mr. Rose in the Chair,

Mr. Pitt.

The *Chancellor of the Exchequer* observed, that, as there must be many Importers of Wine who would necessarily





considerable stock on hand, after the reduction of the duty is to take place; and as it had been understood by them that an allowance should be made, he should propose a drawback in proportion to the difference between the old and new duty to be paid for all wine on hand above one ton,—the quantity to be ascertained between the 8th and 15th of this present month. The Chancellor of the Exchequer concluded with moving,

“ That there shall be paid to such dealers, as shall have in their possession any quantity of Wine, exceeding 252 gallons, between the 8th and 15th of May, a sum equal to the difference of the duties which have been paid on the importation of such Wines, and the duties which should be payable after the 10th of May, 1787.”

Mr. *Medley* stated a case of the difficulty of removing Wines Mr. Medley.  
under the late Act.

Mr. *Dempster* asked, if the drawback extended to persons Mr. Dempster.  
bringing more than a ton of Wine in bottles, as well as in casks?

The *Chancellor of the Exchequer* answered, that it did, and Mr. W. Pitt.  
that a ton was taken as the criterion to decide who ought to be entitled to the drawback, because it was fair to suppose, that those who had less Wine by them than a ton, were not Importers, and Importers were the description of Dealers in Wine best entitled to relief.

Mr. *Rose* (who was Chairman of the Committee) stated to Mr. Rose.  
Mr. *Edmund Newnham*, that no Motion could be made that did not come within the direct purpose for which the Committee was appointed, nor unless such a matter had been grounded on some paper referred to the Committee's consideration.

The Motion was agreed to.

#### RELIEF OF SETTLERS IN EAST FLORIDA.

The *Chancellor of the Exchequer* moved, that a sum of about Mr. W. Pitt.  
£100,000. be granted towards the compensation of such of the  
settlers



settlers of East Florida as had suffered by the cession of the province to the Crown of Spain, and whose losses had been ascertained and determined by the Commissioners appointed for that purpose. This sum, he said, would be 40 per cent on the whole sum, which would put those persons on a footing with the American Loyalists.

Mr. Dempster.

Mr. *Dempster* was dissatisfied at the exclusion of the settlers of West Florida from the same indulgence as was to be extended to those of East Florida, who, besides the misfortune of having had their country a scene of war, had also equally suffered with the other persons, by a similar cession at the conclusion of the peace, and had greater merit, from the resistance they made when attacked, although that resistance were ineffectual, in consequence of the superior force of the enemy.

Mr. W. Pitt.

The *Chancellor of the Exchequer* answered, that East Florida alone had been ceded to Spain at the peace. West Florida had fallen into the hands of that power, during the war, by conquest, and was only confirmed to them at the peace. He said that West Florida having been conquered, there could be no principle on which the inhabitants were intitled to compensation for their losses, that would not equally apply to persons whose ships should have been captured by the enemy, or should have suffered in any other manner, in consequence of a war.

Mr. Dempster.

Mr. *Dempster* still thought the people of West Florida were hardly and unjustly treated.

#### FREE PORTS IN THE WEST-INDIES.

Mr. W. Grenville.

Mr. *W. Grenville* moved, "that the House resolve itself into a Committee of the whole House, to take the Trade and Commerce of the country into consideration."

The Motion having been agreed to, Mr. Grenville stated to the Committee, that the opening Free Ports in two of our West-India islands, was a measure that had been adopted long ago as the year 1766, and continued since under various Acts of Parliament. In 1766, four Free Ports had

of





opened in the island of Jamaica, and two in that of Dominica. During the war, the Bill authorizing the two Free Ports in the island of Dominica had been suffered to expire, and the Bill authorizing the four Free Port in the island of Jamaica would expire next year. He meant, therefore, to bring in a Bill to authorize the continuance of four Free Ports in the island of Jamaica, and the opening a Free Port in the island of Dominica, and in several other West-India islands. Mr. Grenville stated, that experience had proved the opening of Free Ports in Jamaica and Dominica to have been a wise measure, and a measure highly beneficial to trade and commerce; but at the same time it was intended to put the Free Ports under certain regulations and restrictions, for the future, which had been found to be necessary. He said a few words as to the particular ports in the several islands that he had fixed upon, and then made a Motion for leave to bring in a Bill for the purpose.

Mr. *Burke* said, he well remembered the nature and turn Mr. *Burke*. of the debate, when the measure had been originally proposed. At that time, the late Mr. Alderman Beckford violently opposed it, declaring, that the opening of Free Ports would ruin our West-India trade completely, and be attended with infinite mischief; but the worthy Magistrate had at last dropped his opposition, with insisting that the island of Jamaica should have its share of the mischief he had deprecated, and thence it was that four free ports were opened in that island. Indeed, Mr. *Burke* said, in a short time there was scarcely an island in the West-Indies that did not become a petitioner for being admitted a sharer in the said mischief, as it was pretty obvious that a Free Port would prove highly advantageous to the island where such port was situated. He concluded with expressing his satisfaction that the measure was to be sustained, since he was convinced Free Ports were a great encouragement to trade and commerce.

The





The Resolution was agreed to; and, as soon as the House was resumed, the Report was made, and a Bill ordered to be prepared and brought in.

### C O A L T R A D E.

Lord Mulgrave.

Lord *Mulgrave* said, he wished to call the attention of the House to a matter of very serious importance, although, in compliance with the forms and rules of that House, it was necessarily brought forward in the shape of a private Bill. His Lordship then explained, that he had in his hand a petition to pray the House to receive another petition for      ve to bring in a private Bill, although the time of receiving such petitions was expired. The object of the Bill in question was, he said, to secure to the petitioners the due observance of certain Acts of Parliament made to regulate the Coal Trade many years since, but which Statutes were most grossly evaded. He added, that the late period of the Session, instead of being any argument against the Bill being brought in, ought to operate the other way, since the Summer was the season of the year most convenient to the Coal shippers, and the parties, at whose instance he wished to present the petition, had expected that the laws in existence would have been sufficient to have afforded them that protection, so necessary to the due and regular carrying on of their business, or they would have applied to Parliament earlier.

Sir M. W. Ridley.

Sir *Matthew White Ridley* said, he was empowered by his constituents to object to the bringing in a Bill of that nature at the conclusion of a Session, and declared, that the differences that had lately prevailed were now nearly subsided, but that the Bill, instead of assisting to quiet them, would have a tendency to create new animosities and new differences. Sir *Matthew* said further, that he had authority to say the Bill would be strenuously opposed.

Lord Mulgrave.

Lord *Mulgrave* replied, and declared, that when he was in the country, two Gentlemen in the trade, men of large property,





perty, fairly and honourably acquired, and men of most respectable character, had been deputed to wait on him, from a considerable number of persons in the trade, to state the actual necessity of some parliamentary step being taken to enforce the observance of the Acts formerly made, and still in force, but which were most shamefully evaded; that at the time the whole subject was candidly discussed, with temper and with moderation, and by no means with a spirit of animosity. His Lordship said, the Hon. Baronet, by giving notice that the Bill would be opposed, had gone further than he had done, in opening the nature of the application he was making; but he must give him leave to say, that it was only a part of the Hon. Baronet's constituents who were adverse to it; the trade in general were for it.

Sir *Matthew White Ridley* and Mr. *Brandling* each said a few words in reply; and a Member behind Lord Mulgrave was rather adverse to the object, thinking the laws, as they stood, held out a sufficient protection to the trade.

Sir M. W.  
Ridley.  
Mr. Brand-  
ling.

The petition was, on motion, brought up and read. The other petition was then, on motion, received and read, and leave given to bring in the Bill.

#### EAST-INDIAN BUDGET.

Mr. *Dundas* moved, that the House resolve itself into a Committee of the whole House, to take the state of the East-India Company's affairs into consideration; and the extract from Lord Cornwallis's lately received letter, and the several other accounts upon the table relative to East-Indian affairs, having been referred to the said Committee, the Speaker left the chair, and Lord Frederick Campbell took his seat at the table.

Mr. Dundas.

Mr. *Dundas* then began a statement of the affairs of the East India Company abroad and at home, with saying, that, from the nature of the subject, Gentlemen would naturally imagine that he should be under the necessity of taking up a considerable





considerable portion of the time of the Committee; but, as he meant to lay aside every thing extraneous and to go directly to his object, without alluding in any the smallest degree to the various personal topics that might be supposed to be connected with it, he trusted he should not have occasion to be extremely long. He begged most earnestly, that, for that day at least, Gentlemen would be so good as to follow his example in that respect, abstain from mentioning any thing personal, and confine their answers and their observations to his argument alone, and to the various statements that he should be obliged to make in the course of it. If what he said, should prove that the state of the revenues in Bengal was exceedingly reduced, those Gentlemen who were disposed to argue, that the reduction of them was solely owing to the misconduct of those who had lately had the management of them, might reserve such an argument for the day on which it would, with more propriety, be brought forward; and if, on the other hand, he should pronounce them to be in a promising and prosperous way, those Gentlemen who might be inclined to consider it as a proof of the merit of the late Governor General, might surely withhold that triumph till the day should arrive, on which it would be the most useful for them to make the exultation. Having opened his speech with an exordium of this tendency, Mr. Dundas proceeded to observe, that he had before stated, that it would be a *proud* day for this country, whenever he came to declare what the situation of the East-India Company's affairs were, in India and in England. To that, he said, he still adhered, and was confident that he should be able to convince the Committee, that there was much of consolation in the Company's affairs, before he left the place where he was standing. This, he observed, might reasonably be thought an extraordinary declaration, from one who had moved for papers then upon the table, from whence it appeared that the Company were in debt to the amount of many millions in India, and many millions likewise in England.





land. Rash and presumptuous, however, as it might appear, he was bold enough to adhere to the assertion, and he had no doubt of being able to fulfil all that he had promised. But, were there no other good effect to arise from the task he had undertaken, it would at least serve to put that House in possession of the real state of affairs in India, and of the affairs of the Company; and if the publicity of the conduct of the Government of this country were a desirable thing, and surely every man must agree that it was, it must be proper for that House to know in what state the revenues of our Indian territories were when it was considered that they were of immense extent; and when it was considered, that in those territories an army of between seventy and eighty thousand men was kept up, it must be proper for that House to know how so great an army was paid, and to what purposes that army was applied. The task he was then performing, he considered as the first discharge of a yearly duty he meant to impose upon himself, or upon the person who should happen to hold his situation, so that in future the House should have upon its Journals annual Resolutions, stating the actual debt in India, the amount of the revenues collected, the expence of the collections, and all the various items of account relative to the subject. Those Resolutions would remain as entries of authority to be referred to, whenever there was occasion, and would remove all doubt that might arise hereafter.—Having said this pointedly, Mr. Dundas began to state the present amount of the debt in Bengal, which, he said, he took from Lord Cornwallis's letter, where the Committee would find it rated at nine millions. It was, however, pretty evident that a million or more of it was before this time paid off. The revenues, he said, he was obliged to take from an average of the three years, 1781-1782, 1782-1783, and 1783-1784, the two last years accounts, namely, 1784-1785, and 1785-1786, not having been received from India. According to the average of the three first years amount of the revenues, they amounted





to between four and five millions, but as he wished to take every thing on the favourable side of the statement rather under than over its amount, he would take them at only four millions. He next stated the expences of Bengal in general, particularizing the charge of the collection of the Revenues, the charge of the Army, Navy, and Marine, the charge of the Civil Establishments, and the various other charges that constituted a part of the general expenditure in India. From a comparison of the amount of these, with the amount of the Revenues collected, it would be found, that deducting the amount of the expenditure from the amount of the Receipt, there remained a surplus of one hundred and eighty-five lacks of rupees; and, if he should have the honour to state to the House the surplus next year, he said, he had not the smallest doubt, but that he should be able to state it at two hundred lacks or two crore. He observed, that Lord Cornwallis in his letter declared, that he must send thirty lacks annually to Bombay, and forty to Madras. He stated his reasons for thinking, that his Lordship must be mistaken in his idea of the necessity of supplying Madras annually with forty lacks, and went through the detailed comparison of the Receipt and Expenditure of the Presidency, and of the Presidency of Bombay, in like manner as he had done of the Receipt and Expenditure of Bengal. All he should deduct, therefore, from the surplus of one hundred and eighty-five lacks, was thirty lacks for Bombay, which would leave a surplus of about one hundred and fifty lacks, or one million five hundred thousand pounds.

Having thus stated the present situation of Receipt and Expenditure in India, Mr. Dundas spoke of the debt of the Company at home, which he said amounted to about eight millions, and which the Directors, from an egregious error in making out their estimate, had stated would be paid off all but 500,000l. in the year 1790. The error, he alluded to, was an omission of any notice of the liberty lately granted to the Company to increase their capital, and raise 800,000l. upon the public. That  
taken





taken into the account, would not only enable the Company to clear their own debt, but likewise to pay Government 320,000l. He gave an account of the actual produce of their sales last year, comparing it with the particulars of the Directors estimate, and shewing that in most of the articles the produce considerably exceeded their calculation. After expatiating upon that circumstance, and deducing arguments to prove, that there was a probability of their sales producing more and more annually, he returned to the mention of the debt in India, which he declared it to be his opinion, it would be adviseable to bring over here through the medium of investments. He said orders had gone out from the Board of Controul for that purpose, but they had wished to make rather too good a bargain for the public, and had offered to take the exchange at 1s. and 8d. the rupee, which the creditors in India thought too low a rate, but there was every reason to believe they would gladly have taken it at one shilling and eleven pence, or at two shillings. He dwelt upon this for some time, and urged various arguments to prove the advantage the creditors of the Company would derive from sending home their debts through the medium of British investments, as well as the great public advantage that must result from the Government in India being lightened of its load, and put upon its feet. He particularly pressed upon the Committee the singular benefit that the Government in India would feel in case of an attack from a native power, or a foreign foe, in consequence of this circumstance, and declared, that unless an European ally was combined with one or more of the native Princes, little was to be dreaded from the latter. He stated the sums usually sent from home to China and Bengal to purchase investments. The sums for the latter having been thirteen hundred thousand pounds, but he said, it had lately been discovered that the Company had been cheated to a considerable amount in the purchase of their investments, and the parties concerned in such frauds were now under prosecution. He mentioned the nature of the fraud, and declared that he had





little doubt but that with better œconomy the same investment in point of actual value might be obtained for a million which heretofore had cost the Company thirteen hundred thousand pounds. In order to ascertain the fact, he said, Lord Cornwallis had received instructions to purchase an investment privately, and to send it home, when it might be compared against the investments publicly purchased for the Company. He said, the revenues of Bengal would yield a surplus large enough for any investment that had ever been purchased, and entered into a long train of reasoning, to prove that the whole of the Company's debts, the debt in India, and the debt at home, might be liquidated and paid by 1796. He assigned his reasons for considering the two debts in a conjunct point of view, and said, all the circumstances of the case considered, it was impossible to consider them separately and distinctly. He declared that he had neither expectation nor desire to see the land revenue increased in Bengal; so far from it, he wished the tenure to be ascertained by a sort of quit rent. There were many parts, however, of the British territories that were uncultivated, and if the subjects of those native Princes under whom they could not live at ease, security and comfort, were induced to emigrate and come and cultivate them, it might prove the source of increase of revenue. The best means of holding out such an allurements would be to convince all India of the superior excellence, moderation, and justice of the British Government over that of any other power, native or foreign, in that quarter of the globe. At present the British provinces were, he declared, in better condition than those of any other power in India, and their inhabitants more happy. Speaking of the possibility of the Company's improving their circumstances by extending their commerce, he said, a Gentleman who had made an ample fortune by trade in India had stated, that instead of sending out two hundred and seventy-five thousand pounds worth of British goods to India, five hundred thousand pounds worth might annually be exported; that he had offered to give security  
for





A. 1787.]

## D E B A T E S.

19

for his doing it, and for paying five hundred thousand pounds of the profit of the goods so sent to India into the Company's Treasury in China, provided that sum was repaid him in Great-Britain. This Mr. Scot had offered to undertake, but the Company had wisely declined acceding to the proposition, from a proper idea that if Mr. Scot could do it, they might do it themselves. He complimented the Directors highly for having turned their attention so properly to the state of their commerce, and said, the dilemma into which they found themselves driven by the exigency of their affairs, their distress and perplexity had forced them to investigate their affairs fully, to look at them like Merchants, and search for means to improve them as much as possible. Their distress, therefore, had produced a very essential good, and they were clearly in the right to pursue the object. He mentioned also that Governor Campbell had written home, in pressing terms, to advise an extension of the Company's investment from Fort St. George, and reasoned upon the mode of providing for such an investment. He acknowledged he had no thought of expecting much from farther reductions of the civil establishment, on the contrary, he said, he thought them in some instances rather too much reduced, and should advise a small increase, when the country had somewhat recovered itself. After going through an infinite multitude of statements, accompanied with shrewd and pertinent observation, he mentioned that he should move a string of Resolutions; but before he did so, he declared it to be the duty of that House to watch the conduct of every part of the Government of India with a jealous and a wary eye, and with great energy and emphasis urged the House to continue its watchfulness over the Board of Controul, as much as any other Board. He read the whole of his Motions, and then concluded with moving the first of them.

Mr. *Francis* began a reply, with taking notice of the manner in which the learned Gentleman had deprecated all personal allusion, and declared his intention to follow the learned and

Mr. Francis.





Right Hon. Gentleman's advice. That day had been promised, he observed, to be a *proud* day, but the Hon. and Learned Gentleman had changed his tone, and instead of *pride* and *triumph*, he had talked of *consolation* and *promise*. One of the *consolations* that he had found in the affairs of the India Company was, that they were nine millions in debt in Bengal, which was stating the Bengal debt much higher than he (Mr. Francis) had ever heard it stated. Another consolation was, that thirty lacks of rupees were to be sent from Bengal to Bombay, though seventeen lack were all that had been used to be sent there; and the Maratta War had been begun expressly on the plea that obtaining some territory on the Malabar Coast would yield a revenue, and that would render all farther supply to Bombay from Bengal superfluous and unnecessary. Mr. Francis contended that there was no surplus of the revenues of Bengal, but on the contrary a considerable excess of expenditure. This he maintained appeared evidently on the face of the accounts upon the table. But if there had been a surplus, to adopt the proposition of taking a million of money out of Bengal annually, would be unwise in the highest degree, considering the very small quantity of actual specie in circulation. Better would it be, Mr. Francis said, to take Bengal and dash it at once into the sea, than attempt so absurd and preposterous a thing as to take so much specie out of a country so impoverished. He complained of the Hon. and Learned Gentleman having chosen to skip over the years 1784-1785 and 1785-1786, and gone back to the three years of 1781-1782, 1782-1783, and 1783-1784 for an average, to rate the amount of the revenues by, for the year 1785-1786; and declared, that though the regular and complete accounts of the two last years had not come over, yet that the amount of the Revenue collected was to be come at. Made up, as it was, for fifteen months, the whole amount, he insisted upon it, was no more than 243 lacks, and yet the Hon. and Learned Gentleman had talked confidently of four millions. The fact was, the Revenues had decreased considerably for the last five years.

He





He asked why the regular accounts for the last two years had not come over, and said, it proved what ill discipline the Board of Controul exercised not to oblige the Company's servants in India to furnish the proper accounts in due time, declaring, that both the years accounts ought to have been before the House. He resumed his argument, and contended, that the sum of charges on account of collecting the Revenues was not correct, that only thirty-nine lacks was taken into the account instead of eighty-three lacks. He admitted, that bringing the Bengal debt to England would lighten the hands of the Government of Bengal, but denied that the reason for the creditors refusing to subscribe to take the debts through the medium of investments, was owing to the exchange of the rupee being rated so low as at twenty-pence each. The fact was, the not having any thing like a security, that when the debts were subscribed, they would be paid at all in England, was the reason, and not the low exchange of the rupee. Nearly a million had been subscribed at 1s. 8d. the rupee, and he was well informed the whole would have been subscribed in like manner had the creditors had any sort of security that they should afterwards get their money in England. After a variety of observations on different parts of Mr. Dundas's argument, Mr. Francis took notice of what he had said of fixing the tenure of the Landholders in India at a certain quit-rent, and declared he highly approved of that idea; he always had done so, and as far as it had been in his power, had uniformly laboured to enforce that principle. With regard to the accounts upon the table, they were by no means satisfactory. The whole of Lord Cornwallis's letter ought to have been laid before the House, and various other papers; some especially relative to the paper of the Company in circulation in Bengal. Mr. Francis reminded the House, that he had asked for accounts to prove in what respect the credit of the Company, generally considered, stood in Bengal, and he had been given to understand, that it should be stated, but the Hon. and Learned Gentleman had taken little or no notice of it. He produced a





letter from Mr. Larkin, the Company's Accountant General in Bengal, who had undertaken a scheme some years since to liquidate it, and had declared in high language that the whole should be paid off by 1786. At the time that Mr. Larkin formed this scheme, the amount of the paper in circulation was little more than one hundred lacks, and it was according to the latest accounts one hundred and ninety-one lack, and the discounts as high as twenty-two per cent. After expatiating a good deal upon this, Mr. Francis concluded with declaring, that if Bengal was well governed, he was indifferent as to who it was that governed it. For his part, Bengal had proved a source of vexation and anxiety to him ever since he had known any thing of it. In respect to his property only had he any reason to rejoice that he never knew it, and he did assure the Hon. and Learned Gentleman, that if it were well governed, he would never trouble himself again with the accounts of Bengal.

Mr. Grenville.

Mr. *Grenville* began a very able reply with declaring, that if the Hon. Gentleman never meddled with Bengal accounts to a better purpose than he had done that evening, it would add considerably to his credit that he never meddled with them at all, for a more direct misrepresentation of facts had scarcely ever been attempted. The Hon. Gentleman had begun his speech with candidly taking notice of the advice given by his Right Hon. Friend, not to mix any allusions of a private or personal nature with what was said that day, and had promised to follow it; but in his very first observation he had avoided indeed to name any person, but had mentioned a measure, annexing to it all the blame that belonged to it, in a manner so pointed, that it could not be mistaken to whom the Hon. Gentleman meant to ascribe the blame. The Hon. Gentleman, he verily believed, found it absolutely impossible to refrain from alluding invidiously to a certain person, or possibly he would not have done so. The Hon. Gentleman had next pronounced a deficiency to a large amount, and denied that there was any surplus, and he had declared that he had spoken of it before. It was true the Hon. Gentleman had





had done so more than once or twice, or thrice; but it was equally true his declaration had been as often answered, and as often refuted. The Hon. Gentleman had said his Right Hon. Friend had gone back to the three years preceding the two last, because in the three years he had taken his average from, the collection of the Revenues had been larger than it was in the two last. The assertion was not true. The collection was not larger, neither had his Hon. Friend (Mr. Grenville said) for that reason resorted to the three former years. The reason was, as his Hon. Friend had stated, because no accounts of the two latter years had yet arrived from India; but not, as the Hon. Gentleman might be assured, for want of the proper means being taken to oblige the servants in India to make up their accounts, and transmit them home regularly. Every possible exertion had been resorted to in order to enforce that. But there was one point which the Hon. Gentleman had declared he expected, which he must of necessity admit, neither the Board of Controul, nor the Board of Directors had it in their power to accomplish by any orders they could send out, or by any means they could use, viz. the causing the Accounts of the year 1786-1787, ending the 31st of April, 1787, to be completely made up in India and transmitted to England, so as to be upon the table of the House of Commons by the 5th of May in the same year. Another observation of the Hon. Gentleman's was, that the reason that prevented the Company's Creditors in India to subscribe their claims was not owing to the rupees having been rated at the exchange of 1s. 8d. but for want of any security that they would be ever paid in England. In answer to this, Mr. Grenville declared an express condition of payment, in a limited time, had accompanied the offer of letting the creditors send home their claims upon the Company, through the medium of investments. Mr. Grenville replied to the other arguments of Mr. Francis, in the order that the latter Gentleman had stated them; and concluded with congratulating the Committee on the pleasing prospect the statement of his Right Hon. Friend





PARLIAMEN T A R Y [MAY 7.

held out to the country; declaring, he relied with confidence on the expectations that his Right Hon. Friend had stated in a manner so much to his own honour, and, as he trusted it would prove, to the satisfaction of the public.

Mr. Francis. Mr. *Francis* rose to explain, and began by observing, that the Right Hon. Gentleman who had just sat down always made it a point to express what he said, in reply to him, in terms the most personally uncivil to him; although he never provoked such treatment on his part, but that was no matter. As to the Right Hon. Gentleman taking upon him to declare, that any part of his argument *was not true*, he knew no reason why so indecent and so unworthy an answer should be given to any Gentleman within those walls. Did the Right Hon. Gentleman think so dishonourably of him as to imagine he would be base enough purposely and intentionally to state a falsehood, or that he would be weak and absurd enough to do so, had he the baseness to be capable of doing it, when he must expose himself to a direct contradiction? He had spoken as he believed, and he still retained his opinion. Mr. Francis added some other matters of explanation.

Mr. Dundas. Mr. *Dundas* rose immediately and declared, when any Gentleman took upon himself to charge him with having wilfully skipped and passed over the two last years, and resorted to the former three, with a view to make a fallacious statement to that House, he should always take the liberty of declaring that such a charge was not true. The Hon. Gentleman had talked of there being accounts, of some kind or other received, though the regular accounts were not arrived; was he to be hunting about after scraps of intelligence here and there, and on such grounds as those to come and gravely state the situation of the East-India Company's affairs to Parliament? Sure he was, it would have been highly improper in him so to have done. Mr. Dundas called Mr. Francis's altercation about the charges of the collection of the Land Revenues a *miserable cavil*, and made use





use of some other warm remonstrances with Mr. Francis, upon the sort of style in which he had replied to his former arguments.

Sir *James Johnstone* raised a laugh by a short speech, in which he said there were, he found, quacks in politics as well as physic; on the present occasion they heard his Right Hon. Friend Doctor *Tant pis*, and the Hon. Gentleman, Doctor *Tant mieux*. He should pin his faith on Dr. *Tant pis*, as he had stated that the debts of the Company, though amounting to nearly 19 millions in the whole, would be paid off in one year less than he had promised. He wished the Doctor would see if he could not cure them year still sooner, in 1795 instead of 1796; for his part he had not expected that they would be paid off in twenty years.

Sir James  
Johnstone.

Mr. *Burke* began with professing that he rose with all civility and respect to the Right Hon. Gentleman who had opened the debate, and desired to join issue with him in declaring, that he verily believed we had no manner of reason to dread any enemy in India, unless that enemy was joined and supported by an European ally; but as such an event was not impossible to happen in the course of things, it was a matter to be looked to and provided against, as well as the nature of the case would permit. The contest of that day, Mr. *Burke* said, had been a contest between the Right Hon. Gentleman and Lord Cornwallis; the only way therefore to enable the Committee to decide who was in the right, would have been for the Right Hon. Gentleman not to have kept back any part of the evidence; but to have acted in a more noble, open, and manly way, and to have let them have the whole of Lord Cornwallis's letter before them. By the whole he did not mean the arguments of his Lordship about India politics. To those they had no pretensions; the subject was not before them, and exclusive of the impropriety of making it public, they had nothing to do with it. For his part the Right Hon. Gentleman would excuse him, if he declared, that considering that Lord Cornwallis was at the fountain head of intelligence, upon the spot where the transactions





transactions he alluded to were going on, he was inclined to prefer the moderate, cool, and confined ideas of Lord Cornwallis respecting the future state of the Company's affairs in Bengal, to the more sanguine speculations of the Right Hon. Gentleman, though clothed with high authority, and possessed undoubtedly of the means of obtaining much authentic information on the subject. Mr. Burke observed upon the magnitude of the proposition of taking nine millions of debt out of Bengal, and adding it to our debt at home, and after dwelling upon the difficulty and the time that the liquidating so large a debt would cost, proceeded to animadvert upon the idea of taking near a million out of the revenues of Bengal to Madras and Bombay, and after that expecting that the revenues of Bengal could bear to be appropriated to the purchase of investments. He treated these speculations as extravagant and impracticable. He said, he did not know whether he ought to consider such symptoms as the faculty did the *facies Hippocratica*, as the symptoms of approaching death, or of the possibility of cure, but to continue to draw such sums out of Bengal without making any return of specie or wealth, appeared to him as unreasonable as to expect a human being to exist under a state of perpetual bleeding and purging, without administering the smallest portion of food to support such an exhausting practice. What was to fructify our provinces, and to renovate their riches, after we had drained them in such a violent way? Instead of rice we should see nothing but fields of jungles or weeds, and instead of the race of men, the race of the Royal Tiger would increase and multiply. He explained the expression of the Royal Tiger, to be symbolical of the British Government, declaring, that as extraordinary power had longer claws than ordinary authority, so might it well be termed the *Royal Tiger*. Among other bad symptoms, he spoke of the increased circulation of paper of Bengal at large discount, and said, if the fact were true, that the Company paid their officers with paper, which they refused to receive back in payment themselves, the symptom wore an alarming aspect, and gave





gave the case the appearance of being desperate. He mentioned Mr. Larkin's plan of reducing the quantity of paper in circulation, and stated the circumstance of a large encrease of paper in circulation, growing out of a plan of reduction, and attended with a larger discount than ever, to be another, and a worse symptom than any. He commended the idea of a fixed Quit Rent as the only way of giving happiness and security to the landholders, and in answer to Mr. Dundas's declaration that the British provinces in India were the most flourishing, said, it would be wonderful if they were not, when we had possessed ourselves of the finest provinces in India, lying between two rivers that would fertilize any country in the world, and containing the whole of that delightful coast, a small portion on the back parts excepted, from Bengal down to Cape Cormorin. But it was not correctly stated by the Right Hon. Gentleman, when he said our Provinces were the most flourishing, there were some few others he believed more flourishing; and others again far worse. The Rajah of Berar, for instance, governed in a Province not to be talked of in comparison with Bengal, (formerly called the Paradise of India,) with Bahar, Orissa, and Oude, and Benares. The face of the kingdom of Berar was covered with immense mountains and forests. But let it not be the Right Hon. Gentleman's boast, that the British Provinces were finer and more fertile than the kingdom of Berar; let it be his triumph to say, that under the British Government the natives lived as happy, the soil was as productive, and the revenues were as ample as under the native Princes whom we had succeeded.

Mr. *Baring*, in a short speech, cleared the Directors from having deserved the animadversion made by Mr. Dundas relative to their omission of the 800,000*l.* which they have been enabled to raise by the encrease of their capital; and also proved that Lord Cornwallis's letter justified the Directors estimate of 1784, about which so much had been said at the time, since his Lordship





ship declared the revenues to amount to within seven lacks of the sum they had then estimated them at.

Major Scott. Major *Scott* said, he would beg leave to offer a few words upon what had fallen from a Right Hon. Gentleman (Mr. Burke) over the way. As to what had been said of the mischievous consequences of depriving Bengal of its circulating specie in the present moment, the Major said he saw them in as strong a light as that Gentleman could do. The exertions made by Bengal in the preservation of India during the late war, had reduced Bengal to distress in point of circulating specie; but as to agriculture and population, it was far otherwise. The Right Hon. Gentleman (Mr. Burke) had talked of his Ninth Report, and of a doctrine laid down in it, which he had repeated, but it was as incomprehensible now as it always had been. The Right Hon. Gentleman had asked, if ever any man had heard of any thing so preposterous, as carrying on commerce with revenue? The Major said, he desired to know how it was to be carried on, while there should be an available surplus from the revenues; for it was material to observe, that in Bengal the Company were lords of the soil, and raised revenues from all lands, except charity lands; of course the money so raised, was employed in the pay of establishments, and the purchase of investment, and by these channels returned again into the general circulation.—The Major said, if Gentlemen had been at the trouble of looking at some very curious accounts which he had moved for, they would have observed that the Company had received from Oude and Benares, in the last thirteen years, above *fourteen millions* sterling, of which sum above *ten millions* had been remitted to Calcutta and Surat; but as all our demands had been paid, these sources of relief to Bengal were at an end, and he was sure the Right Hon. Gentleman (Mr. Dundas) would see the impropriety of sending more money from Bengal till it had had time to recover itself. The Major said he was happy to hear it allowed that Bengal was the most flourishing country





country in Indostan. It was a fact he had always asserted ; he had travelled over various parts of it at different times, from 1767 to 1781, and he had found it in a progressive state of improvement. The Right Hon. Gentleman (Mr. Burke) was a philosopher and an historian, and it always, the Major said, had appeared to him very extraordinary that he should pass by the real and the true cause of the only decline there was in Bengal, and impute it to the mismanagement of the English. The fact was, and it could not be denied, that our Government in Bengal was an usurpation upon an usurpation. The natives of Bengal, the Aborigines, were Hindoos, and as nine to one in number, with their rulers, the Mahometans. We usurped the dominion from the latter, and, of course, the Right Hon. Gentleman's favourites, the Nobility and Country Gentlemen, disappeared. It was the custom of the Nabobs to grant jaghires or estates from five hundred to fifty thousand pounds a year ; but, as the possessors died away, we did not renew them, and of course that order of men had in a great measure disappeared ; but the natives, the mass of the people, were infinitely happier under our Government than they had been for the last fifty years of the native Government, and beyond all comparison happier than any of the other natives of Indostan. With regard to the accounts, the Major said, he was convinced they would be more productive than Lord Cornwallis had stated them. In fact, Mr. Larkin had invariably estimated the salt and opium at less, by fifteen lacks, than they turned out ; and as for the land revenue, it was a very singular circumstance, that for three years, in a collection of three millions, it had never varied more than forty thousand pounds. An Honourable Gentleman (Mr. Francis) had said, that the revenues had been annually declining for the last five years. The Major said, the fact was directly the reverse, for they had been increasing each year, and there was now a letter upon the table from the Governor General and Council, stating, that upon the whole revenue





of 1785 and 1786, there was only a balance of six lacks, of which four were recoverable. He mentioned this the more, because it had been said that Mr. Hastings had violently kept up the collections during the war, and they would afterwards fall off, but authentic documents proved this to have been a groundless assertion. The Major said, he would make but one observation more before he sat down, and that was a material one. The Right Hon. Gentleman (Mr. Dundas) had given a very accurate statement of each year's expence of the late war in India, which was the most general and expensive that we had ever been engaged in, having had European and Indian enemies to encounter. The Right Hon. Gentleman seemed himself struck with the smallness of the additional expence, compared with the importance of the service, the preserving what had emphatically been termed the brightest jewel of the British Crown. The Major declared, he most heartily concurred with him, and with great solemnity, he said, he would put it to Gentlemen versed in the business of the House. Let them take each year of the expences of the successful war in all India, where so much was done, and compare them with only the Army Extraordinaries of each year of the late war in America, where worse than nothing was done; and then they would say, that the Right Hon. Gentleman was most fully justified in stating how comparatively trifling the expences of an Indian war had been.

The Resolutions were afterwards severally put and agreed to.

The House rose at *half after ten*.

*Tuesday,*





A. 1787.]

# D E B A T E S.

*Tuesday, May 8.*

## P O R T S E A S M A L L D E B T B I L L.

The Order of the Day being read for the second reading of the Portsea Small Debts Bill, and the Question being put, that the Bill be *now* read a second time.

Sir *John Miller* said, he rose to oppose the second reading of the Bill, from a firm persuasion that it would be detrimental to the public service of this country. He said that more than three thousand artificers and labourers belonging to the dock-yard at Portsmouth, besides the officers of all our ships in ordinary at that port, looked up to the House for the rejection of this Bill. Sir John declared, that he was an enemy to all Courts of Conscience (as they were very improperly in his mind called) and to all partial and local Small Debt Bills as grievously oppressive, and he was happy to find the House entertained the same opinion of them by their late rejection of two or three such Bills, which had been in the present sessions offered to Parliament—a treatment which he hoped the present Bill would meet with. Sir John stated, that the carpenters, smiths, and other artificers and labourers of our dock-yards were paid in a different manner from all other artificers and labourers; that is, our dock-yard people were always one quarter in arrears, being paid a quarter's wages only when half a year was due to them, whilst other artificers and labourers received their wages for the most part weekly, which obliged our dock-yard people to take up money for their subsistence from brokers and money-dealers, at the exorbitant premium of sixpence per pound per quarter, which is ten per cent. per annum, and many of these money-dealers, Sir John said, were keepers of shops, or of public houses, who, not content with the above unconscionable profits, obliged the poor people to lay out their money with them, or with whomsoever they should name to them, for cloaths, necessaries, &c.

and





and required them very frequently to take those things which they did not want, in order to their purchasing such matters back again from them at a reduced price, when a little ready

perhaps for the purpose of assisting supporting a sick family! This, Sir John said, might truly be called, “Grinding the faces of the poor.” He had also been assured, that the people of the yard were universally allowed to pay their debts with as much punctuality as any other persons whatsoever. He said, there were no set of people less attentive to their expenditure, nor more liable to imposition, than those who had any kind of connection with our navy; in addition to which, their present mode of payment, which he had already stated, exposed them to situations of much temptation, imposition, and difficulty. The rejection of the present Bill, he verily believed, would be no injury to any set of men, and would shew a proper attention to a description of persons, to whose comforts this country should not be indifferent. Sir John added, that the above circumstances had been imparted to him by persons of the first honour, truth, and reliance, intimately acquainted with their existence and substantiality, for he did not himself pretend to any knowledge of them; and that he held in his hand a letter from one of the worthiest characters existing, who had long been in a fixed office of great trust and responsibility at Portsmouth, fully confirming every assertion he had just made to the House.

Sir John moved, “that the Bill be read a second time this day two months.”

Mr. Thistle-  
waite, and  
Mr. Rose.

Mr. *Thistlewaite* said a few words in reply; and Mr. *Rose* answered.

After which, upon putting the Question, “that the word *now* stand part of the Question,” the House divided,

*Ayes* 9,    *Noes* 34.

*Wednesday,*





*Wednesday, May 6.*

COAL SHIP OWNERS BILL

When the motion was made “ for leave to bring in a Bill for amending an Act of the third of the late King, and sixth year of his present Majesty,” intitled, “ An Act to regulate the loading of Ships with Coals in the Ports of Newcastle and Sunderland,” a short conversation arose between Mr. Ord, Mr. Brandling, and Sir Matthew White Ridley, against the Bill, and Mr. Duncombe and Lord Mulgrave for it.

Lord *Mulgrave* stated, that the Bill was of exceedingly great consequence to the public, as it involved in it a consideration of no less importance than the well-doing of an infinite number of Ship Owners, who kept a considerable quantity of tonnage afloat, and which employed sixteen thousand seamen, and gave every year a supply of between two and twenty thousand and three and twenty thousand hands to the profession. The prosperity and continuance of so valuable a nursery for seamen, was undoubtedly of great national importance, and, in order to secure it against the notorious evasions of the laws in existence, the present application had been made to Parliament. That House had, from time to time, passed Acts to guard and protect the trade, but as fast almost as new laws were made, new modes of evading them were discovered and practised ; and thence the necessity for fresh application. The present application, his Lordship said, was made at the unanimous desire of every Coal-ship Owner in the kingdom, about twenty-five at Newcastle upon Tyne excepted, who were interested in opposing it. The Hon. Gentlemen who represented that town, certainly acted in a true parliamentary way, and with great honour to themselves, in opposing it. That attention to local interests, where the interest in question was that of Gentlemen’s constituents, was fit to be shewn, and

Lord Mulgrave.





even in opposition to the interest of the public; but, in so doing, Gentlemen amply repaid their constituents for having elected them, and every other obligation they owed them.—His Lordship adverted to what had passed in the Committee to whom the petition had been referred, and who had directed the present Motion to be made, and said, it there came out that at Newcastle a monopoly existed, and a Ship-owner might either have the coals he wanted, or a law-suit. That this was the ground of complaint, and that, as the law stood, the Fitters were obliged to serve from *seven* in the morning till *eight* in the evening, in the due order as applications were made; but then, as it did not expressly prevent them from serving at any hour, between *eight* at night and *seven* in the morning, they could give their favourites a preference, and let them have their coals before other persons. To remedy this, the present application was made, and those who made it were willing to bear its expence themselves.

The Motion was carried.

### W E S T F L O R I D A .

Mr. Adam. Mr. *Adam* said, he saw no ground of argument or reason for not extending the same relief to the inhabitants of West Florida, that had been proposed to be given to those of East Florida, and therefore he desired to know if the Chancellor of the Exchequer would oppose a Motion in their favour.

Mr. W. Pitt. The *Chancellor of the Exchequer* declared, he saw a material difference between the cases of the two Floridas, and should most certainly object to any such Motion as the Hon. Gentleman had hinted at; but, as the day was set apart for a business of great expectation and importance, he hoped the Hon. Gentleman would not bring on a discussion upon any extraneous subject.

Mr. Adam. Mr. *Adam* said, he would make his Motion on a future day.





## P O O R L A W S.

Mr. *Gilbert* having given notice, some days since, that he Mr. Gilbert. intended moving for leave to bring in his Bill respecting the Poor, informed the House, that, as it was a Bill of the greatest importance, and he was anxious it should receive all that weight and authority which could be derived from the returns made by the Overseers, in pursuance of the Act of last Session, and which were then abstracting under the inspection of a Committee appointed by the House, he said, the Bill would appear to a great disadvantage, if brought in before a Report should be made from that Committee, as it was to be principally founded upon facts to be stated in such Report. He therefore wished to delay the bringing in the Bill till the Report could be made, which he hoped would be before the end of this Session, and then the Bill and Report might be printed, and taken together by the Members into the country, where they would have an opportunity of considering them fully before the next Session.

Sir *Gregory Page Turner* declared, Mr. Gilbert ought to Sir G. Page  
Turner. have his name written in letters of gold, for the uncommon pains he had taken to assist the poor, and put their relief and provision on a proper establishment. Sir Gregory said, he was impatient for a sight of the Bill, which he had no doubt would produce a salutary effect, and prove an important public benefit.

REPORT OF THE SECRET COMMITTEE, CONTAIN-  
ING ARTICLES OF IMPEACHMENT AGAINST  
WARREN HASTINGS; ESQ.

The Order of the Day, for the further consideration of the Report of the Secret Committee appointed to draw up Articles of Impeachment against Warren Hastings, Esq; being moved and read, it was moved, "That this Report be read a second time."





Lord Hood. Lord *Hood* rose to oppose the Motion, which he did in the following words :

“ Having, upon a former day, Sir, so fully expressed my humble sentiments respecting the late Governor-General of India, I shall not trespass upon the time and patience of the House for more than three minutes ; but I cannot, Sir, content myself with giving a silent vote upon the present very important question. I am very sensible, Sir, and perfectly ready to acknowledge, that the Charges taken in the abstract, as exhibited against Mr. Hastings, appear exceeding heavy and severe ; but when I take into my view, Sir, the motive that led to that conduct, upon which those Charges are founded, they make no impression of criminality upon my mind, and I most exceedingly lament, and am equally concerned at, what has been frequently suggested in this House,—that an officer of high trust and command upon foreign service, in time of war, must not take measures that may prove an evil to private individuals, although the greatest public good will evidently arise from them to the State. If, Sir, the Representatives of this nation in Parliament adopt that doctrine, I do not hesitate, Sir, to say, that this country has seen its fairest and best days ; for a zealous and spirited officer, Sir, must find himself infinitely distressed, and his ardour greatly abated, to know, he must content himself with the means established for him, and which his employers have lodged in his hands, however inadequate to the services entrusted to him, rather than have recourse to others he thinks within his reach, and which clearly promise the most beneficial public advantage,—unless he does it, Sir, at the hazard of being arraigned at the bar of this House as a delinquent, even, Sir, if the most brilliant success attends his exertions ; and permit me to say, Sir, at the risque of all that is dear to him,—nay, Sir, at the risque of his head, should those exertions fail. Thus circumstanced, Sir, I beg to submit to the good sense and cool consideration of the House, how truly miserable and unfortunate any Officer in command





abroad almost must feel, and such, Sir, his situation and feelings must unavoidably be in future from what has been the lot of Mr. Hastings. Most undoubtedly, it is very much the duty of every man who has the honour of a seat in this House, to exercise that portion of reason and common sense with which it has pleased God to bless him, as the surest and best guide for his opinion. That mine, Sir, upon the subject now under discussion, differs in some parts from my much respected and Right Hon. Friend below me, gives me infinite concern, as it is the only instance, one other excepted, wherein my vote has not from conviction, and conscientiously, gone with his; but considering most maturely, Sir, as I have done, the arduous, critical, and perilous situation in which Mr. Hastings was placed, as well as the very signal and meritorious services he has happily rendered his country, notwithstanding the various difficulties with which he was on all sides constantly surrounded, and convinced, as I am, that our present possessions in India are solely owing to his zeal and uncommon abilities, I cannot, Sir, bring myself to pronounce him criminal; but I hope and trust, Sir, I shall not be understood to contend that Mr. Hastings has not committed errors. I admit that he has, and will be bold to say, there never was a man in an important command abroad for a series of years, in time of war, totally exempt from them; but upon striking a fair balance, Sir, between the eminent and admitted services of Mr. Hastings and his errors, I can never give my consent that any charge of criminality shall go against him from this House, consequently I feel myself bound to object to the second reading of the Report.

Mr. Alderman *Wilkes* expressed his satisfaction at having heard the Noble Lord express himself in terms so honourable and candid, and declared he meant to second the Motion, and oppose the second reading of the Report, as it contained articles of charge which stood upon a false and rotten foundation. The Alderman declared, he had listened with attention to the whole of the proceedings upon the subject of the impeachment

Alderman  
Wilkes.





of Mr. Hastings, but though he had been dazzled with the beauty and splendour of eloquence, and charmed with the wit of his accusers, he had not been convinced by their reasoning, nor satisfied by their arguments, that Mr. Hastings had been guilty of the various crimes imputed to him. The Report then under consideration contained these words :

“ The said Warren Hastings not regarding the sacred obligation of his oath, nor the important duties of the high offices to which he was appointed, but entertaining base and corrupt views of procuring for himself and his dependants exorbitant wealth, and arbitrary designs of raising himself, by means of the undue influence so acquired, to excessive power, as well to gratify his inordinate ambition, as to secure himself from punishment for the many unjustifiable acts by him done, and committed in the exercise of his office, did, whilst he was President and Governor-General as aforesaid, by the various unwarrantable and criminal practices hereinafter set forth, faithlessly, illegally, and tyrannically violate the duties of his station. By each and all of which practices the welfare of the East India Company has *materially suffered*, the *happiness* of the native inhabitants of India *been deeply affected*, their confidence in English faith and lenity shaken and impaired, and the *honour* of the Crown, and *character* of this nation, *as far as in him lay, wantonly and wickedly degraded.*”

The House had papers, the Alderman said, upon their table, containing proofs to the contrary of every one of those assertions ; but he need only refer to one of them, the letter of the late Governor General of India, Sir John Macpherson, who, in a letter dated so lately as the 10th of August, 1786, speaks in the highest terms of the plans of Mr. Hastings, and of the happiness of the native inhabitants of India, living under the British Government. The Alderman read the extract to which he alluded, and it fully answered the description he had given of it. With regard to the welfare and prosperity of the state of affairs of the Company, he referred to Mr. Dundas's





A. 1787.]

D E B A T E S.

Dundas's speech of Monday last, in which the Right Hon. Gentleman had said it was a *proud day* for the country. If the assertion were true, it surely was equally true that it was a *proud day* for Mr. Hastings, since that Gentleman had an undeniable claim to the praise of having laid the foundation for the present prosperous state of India, and of the affairs of the Company. In the course of the proceedings he had, he observed, more than once heard Mr. Hastings compared to *Verres*; but the House would recollect, that when that Governor was called to an account before the Roman Senate, there was scarcely an inhabitant of the island of Sicily who did not exhibit a complaint against him; whereas in the present case, though the prosecution, or *persecution* of Mr. Hastings had been in progress above three years, not a single complaint had come from India against that Gentleman; on the contrary, every letter that had been sent home, was full of expressions of gratitude and applause on the conduct of Mr. Hastings, while he held the Government of India. Mr. Wilkes declared, upon a review of the whole of that conduct, he felt himself warranted to pronounce Mr. Hastings a profound politician, who had acted in times of singular peril and difficulty with equal vigour and wisdom, with great intrepidity and uncommon judgment. He took notice of the Charge relative to the affair of the Begums, and said, it appeared to him to be a just proceeding, as the Begums were undoubtedly in rebellion against the Governor General of Bengal, to whom they owed obedience. The fact that they had saved the lives of one or two British officers, plainly proved that they had usurped the Government of the country, otherwise they could not have afforded that protection which had been made use of as an argument in their favour. The Noble Lord had said, he admitted that Mr. Hastings had been guilty of errors; who was there who had ever been placed in such a critical situation as Mr. Hastings, who could pretend to be free from errors? but saying that Mr. Hastings had been





guilty of errors, reminded him of what Voltaire said of the conduct of the French Parliament on the landing of Henry the Fifth, previous to the battle of Agincourt. The *sapient* Magistrates of the French Parliament would not suffer a single step to be taken till an Arret came out, stating in due form a notification of the landing of the English Monarch and his army. The consequence was, the kingdom of France was sacrificed to form. Mr. Hastings judging more wisely, acted upon the necessity of every great occasion without regarding little forms, and when the whole of the conduct of Mr. Hastings was considered, and when it was considered likewise that he had carried the British arms successfully against the French and Dutch in India, and that it was owing to his singular ability and exertion, that they had preserved their possessions in that quarter of the world unimpaired, while the empire was mouldering away elsewhere, he was astonished that a *faction in that House* should be able to have carried the prosecution as far as they had done; but he hoped for the honour of the House, that it would be put an end to that night by a very considerable majority. He said, he had heard a Right Hon. Gentleman declare, that he had an impeachment in his pocket against a Noble Lord in a blue ribband, who had lost half the British empire, but no proceedings had taken place in consequence of the declaration, and would that House, after suffering a delinquent of so very enormous a description to pass with impunity, continue to act so unjust a part as to persecute a man who had saved India, which a Right Hon. and Learned Gentleman had termed *the brightest jewel in the British Crown!* The Right Hon. and Learned Gentleman must excuse him, if he did not quite agree with the position that India was the *brightest jewel* in a Crown of three kingdoms, one of which at least was rather a brighter jewel than India, though the latter undoubtedly was a jewel of considerable lustre and value. With regard to any occasional stretch of power instanced in the government of Mr. Hastings,





Hastings, the exigency of affairs, and the great distress and urgent occasions during the period of that Government's existence, were a sufficient justification, and it ought to be remembered that that House had since armed Lord Cornwallis with infinitely greater powers than Mr. Hastings had ever assumed in times of the most pressing difficulty. The House, therefore, had itself recognized the necessity for the Governor General of India's exercising such powers, and consequently it would be absurd and inconsistent to proceed to punish a man for taking upon himself those powers which the Legislature had thought proper to be vested legally in his successor. Mr. Wilkes added several other arguments in favour of Mr. Hastings, and declared, that instead of treating him like Verres, to whom he bore no manner of resemblance, they ought to consider him as the Romans did Scipio, to give him thanks and titles of honour; he hoped, therefore, that an end would that night be put to the Impeachment, and a motion for a vote of thanks to Mr. Hastings take place in its stead. He concluded with moving, by way of amendment to the Noble Lord's Motion, "that the Report be read a second time that day three months."

The *Lord Advocate* said, that entertaining as he did, an *Lord Advocate* opinion favourable to the party accused, he thought himself <sup>cate.</sup> bound in conscience to declare it. He had frequently heard it said by Gentlemen on both sides of the House, that this was no party or political question, but a solemn judicial proceeding, and undoubtedly it was so. He hoped every Member of the House would keep this in view, and would consider himself as deciding upon the fate of a British subject in a case where his fortune, his fame, his situation in life, the peace of his mind and of his family were all at stake. In such a case, he said, whatever respect he might have for those who supported the prosecution, he could not permit himself either to think, vote, or act upon confidence in the superior abilities or information of any person existing, unless in so far as his own mind was convinced. The Hon. Gentleman who opened the Charge concerning





cerning the Revenue of Bengal, whose zeal for the cause he had undertaken would admit of no doubt, had made a very fair and honourable declaration. His words were, "he who accuses ought to be convinced." This, the Lord Advocate said, was exactly what he felt as to his own situation. Were he convinced by the evidence produced, that Mr. Hastings was guilty of all or any of the crimes imputed to him, no consideration whatever should induce him to withhold his assent to the Impeachment; but if on the other hand he was not satisfied of the guilt, and still more if he was satisfied of the innocence of Mr. Hastings, he must on the same principle, as an honest man, refuse his concurrence to the measure proposed. He said he believed some Gentlemen had conceived an idea, which he held to be extremely dangerous and unconstitutional, namely, that as that House was not ultimately to judge of Mr. Hastings's conduct, but only to perform the part of a Grand Jury; and as Mr. Hastings would have an opportunity of clearing himself before the Supreme Tribunal of his country, if innocent, it was the less necessary to go nicely to work here. It was enough, if any grounds of suspicion or unfavourable conjecture appeared. He had even heard it said, that Mr. Hastings himself ought to *wish* for impeachment, and that the honour of the House was deeply committed to go on with the prosecution. As to Mr. Hastings's wishes, he felt himself totally indifferent about them, and would look only to his own conduct and character as a Member of Parliament. That he indeed thought the House deeply committed; but it was to *do justice*, and not to impeach right or wrong. That the province of the House, in such a case, was no doubt similar to that of a Grand Jury. "An impeachment by the House of Commons (says Judge Blackstone) is a presentment to the highest Court of criminal jurisdiction by the most solemn grand inquest of the whole kingdom." The same author tells us that "a Grand Jury ought to be thoroughly persuaded of the truth of an indictment, so far as the evidence goes, and not to rest satisfied merely





merely with remote probabilities, a doctrine that might be applied to very oppressive purposes."—Such a doctrine was once maintained, viz. in the case of Lord Shaftsbury, in the reign of Charles II. when it was laid down by Lord Chief Justice Pemberton, "that the Grand Jury had only to consider whether there be *probable ground* for the King to call the person accused to account." But this was most justly stigmatised as an unsound opinion, and it had since been held, that no man ought to be so questioned, "unless a Grand Jury take it on their oaths that they *believe* the matter of the accusation to be true."—This is agreeable to the oath which a Grand Jurymen takes, "to present the truth, &c." The contrary doctrine would be very inexpedient in another point of view, for when one is brought to trial upon insufficient evidence, he must be acquitted; and as no man can be tried twice for the same offence, this amounts to an act of indemnity in his favour, though clear evidence should afterwards be recovered. He said it was in a peculiar manner necessary to attend to these principles in a case such as the present, where the subject of enquiry was not only who was the criminal, but whether a crime had at all been committed? After adverting a little further to the manner in which the prosecution had been conducted, and to the arrangement of the charges, which he thought the most perplexed and most unnatural he had ever met with, he said, he would endeavour coolly and impartially to examine the several articles, and the amount of the evidence upon them, without entering into minutiae, and following precisely the order of the charges themselves. He said he had always thought those articles which contained a direct and specific charge of corruption, by much the most important, not only as standing by themselves, but as pervading all the others, and accounting for Mr. Hastings's conduct in general, if it was wilfully and intentionally wrong. He said, that it was a fundamental principle in the criminal law of every country, that in order to constitute a crime, two things were necessary, first, the commission of some overt prohibited act.

Second,





Second, a vicious intention. Both must concur, otherwise there is no actual crime. Sometimes the intention may be presumed from the act, but still both must concur; and if this be the rule by which the most common delinquent must be tried, it is still more necessary to be attended to in the case of men in public situations, who are called upon to act and to decide, and sometimes have only a choice of difficulties. A man in such a situation may, perhaps, judge ill, and act imprudently; but is there any law by which error in judgment is punishable? It may be right to deprive such a man of his office as unfit to be employed; but is he to be arraigned as a criminal, if it does not appear that he wilfully erred? The mischief must be great indeed, and the degree of guilt evident and notorious to justify such a proceeding. The question here was not, whether Mr. Hastings had done wrong in some particulars, but whether he had done wrong to that extent which should found an impeachment against him? The accusers, being sensible that it was necessary to ascribe a bad motive and a wicked intention to Mr. Hastings, have set out in the preamble of their amended charges, with imputing to him in direct terms, “the base and corrupt design of procuring, for himself and his dependants, exorbitant wealth.” This then is the ground work of the whole, and to be first considered. These charges of corruption, he observed, were classed under two heads, the Contracts and the Presents. As to the first, he was persuaded the House would, upon due consideration, think it right to follow the example of a Right Hon. Gentleman, who, in the Committee, confined his views to three articles, the Opium Contract, one of the Bullock Contracts, and the allowance to Sir Eyre Coote. As to the Opium Contract, he said, it was a little hard not only to deprive Mr. Hastings of the merit he had in being the first who had turned this article to account for the Company, but even to make it the ground of a charge against him. The Contract had been given in General Clavering’s time to Mr. Griffiths, as the lowest bidder; afterwards, on the same terms





A. 1787.]

D E B A T E S.

45

to Mr. Mackenzie, who was no friend to Mr. Hastings, and then to Mr. Sullivan, likewise on the same terms, burdened with 90,000 rupees to a relation of Mr. Francis, which shewed that it was not the sole act of Mr. Hastings. This contract had always been considered as matter of patronage, and he saw less reason to find fault with Mr. Hastings than with other Members of the Council. On that account, the Bullock Contract, he thought, was in a similar situation.—As to Sir Eyre Coote's allowances, Sir Eyre claimed extraordinary allowances when in the field,—and this had always been customary. It was difficult to contest a point of this kind with the Commander in Chief, who had his sword in his hand. It was not the sole act of Mr. Hastings, but the majority of the Council, consisting then of five, viz. Mr. Hastings, Mr. Barwell, Sir Eyre Coote, Mr. Wheeler, and Mr. Francis. When Sir Eyre Coote went to the country of Oude, it was thought reasonable that the burden of this allowance should be thrown upon the Vizier, who had the benefit of his protection, and the Vizier consented to it. It does not occur what great degree of blame there was in all this. Sir Eyre Coote seems to have had a desire for money; he at the same time performed very meritorious services. Mr. Hastings did not put a shilling in his pocket by any such allowances. His employers are likewise satisfied. With what propriety, then, does this House interfere? The same observation holds as to the contracts in general. It is a remarkable circumstance that we do not find any relation of Mr. Hastings provided to the amount of a shilling; he has a nephew in the service, who is only a Lieutenant, and we see no view to any influence at home, unless in the single instance of Mr. Sullivan. The Charge concerning the Presents, he said, fell to be considered under two separate heads: First, some alledged instances in 1772 and 1773. Second, those beginning in 1781. As to the former, there was not a vestige of evidence or probability that any such had ever existed, and therefore it would be improper to waste time upon them. As to the second, they





they were all admitted; and, indeed, the only proof of them was Mr. Hastings's own letters to the Board of Directors. He first took the two lacks from Cheit Sing's Agent, in June 1780, of which a full account is given by Mr. Hastings in his defence, supported by Mr. Markham's evidence, and by Mr. Hastings's letter to the Court of Directors by the first dispatches after the transaction happened.

The next was the nagarena or gratuity received from Raja Kolleram and Cullian Sing, upon farming to them the Revenue of Bahar, in October 1780. Mr. Anderson's evidence goes to justify this as founded in immemorial practice, and, he says, Farmers and Zemindars would agree to such extra payments, when they would not give any excess of rent. The other articles were mostly of the same nature—the 10 lacks received from the Vizier in September 1781, was upon occasion of a very important transaction, viz. the Treaty of Chunar. Such presents have been customary from the beginning of time in those Eastern countries upon all occasions of intercourse, and we are not to view them in the same light as we would do similar transactions here. There would have been nothing wrong in any officer's taking presents, had it not been for the Regulating Act 1773; and it is clear, that the prohibition of that Act reached no farther than the case of an officer taking for his own use. It had not in view the case of an officer's taking for the use of the Company: the clause forfeiting the sum to the Company, shews this, and penal laws are always strictly interpreted. Besides, this Act was repealed by the new India Act 1784, and never can be the ground of prosecution. Mr. Hastings therefore was at liberty to take these sums for the Company's use, and so the Directors thought. The only argument of weight against him upon this head is, that although he was not in fact corrupted, yet he acted as if he had been so, and thereby set a bad example to those who gave the presents. But, first, it would be strange to charge him as guilty of corruption, when, in truth, he was not corrupted. Second, His conduct was not influenced by  
any





any such transaction, as we see from the case of Cheit Sing, and the natives of India, accustomed to this practice from time immemorial, would not think there was any thing wrong in it. Third, The necessities of the Company at the time, and the fact of his applying all these sums to the Company's use, are strong grounds of justification. The Company having actually taken the benefit of all these transactions, and so far approved of them, and no intention being to this day signified from any quarter to refund the money so received, it does not occur with what propriety Mr. Hastings can be impeached for having procured it. He then took a short view of the affair of Cheit Sing, the Treaty of Chunar, the Resumption of the Jaghires, and seizing of the Begums Treasures—which, although detailed, and branched out into a variety of Charges, did truly make but one piece of history, the incidents following one another in a natural manner, and all relative to the Company's connections with the Nabob Vizier, which had been the source of great wealth and security to the Company, and to the public interest of this country in India. That the Governor and Council had a right, and that it was their duty to call on Cheit Sing as Zemindar of Benares, dependent on the Company for extraordinary aids upon the emergency of a war, had been clearly made out in the Committee by a Right Hon. Gentleman; and as to the intention which Mr. Hastings had of inflicting upon him a fine of 50 lacks for his contumacy, which was thought too exorbitant, this could not surely enter into the case, as in fact no such intention had ever been executed, nor even known to Cheit Sing. The measure of resuming the Jaghires stands justified by the Right Hon. the Chancellor of the Exchequer as wise and politic, and was attended with no real hardship, the same allowances in money being continued. The plan of allowing the Vizier to insist also on having the treasures which truly belonged to himself, and were unduly withheld by his mother, arose out of the incidents which had recently taken place. She herself received no ill usage, but her two Ministers,

the





the Eunuchs, were laid hold of, and this brought about a compromise. As to Farruckabad and Fyzulā Khan, the charges, he said, were trifling, and only founded on misrepresentation, different expedients were tried from time to time; but both these parties are satisfied, and there is no complaint from them, or from any quarter of India. Neither was there any good ground of objection to Mr. Hastings, on account of the different modes which were adopted from time to time, in the collection of the Revenue. This will always happen in a new Government. Mr. Hastings got enemies by discontinuing the Provincial Councils, but nobody who reads Mr. Bright's letter, will think he was in the wrong so to do.—He observed, that Mr. Hastings had been most unjustly blamed for various acts of Administration, in which he had only concurred with others; that the order of dates, as well as the state of the Council at different periods, ought to have been more distinctly attended to in the Charges.—Mr. Hastings had enjoyed the casting voice in the Council only for a very short time, and even then Mr. Barwell was equally responsible with him.—Afterwards Mr. Wheler, Sir John Macpherson, Sir Eyre Coote, and Mr. Stables, came gradually into the Council. At one period a Coalition took place between Mr. Hastings and Mr. Francis.—How do the Prosecutors account for this? and is Mr. Hastings alone to be made accountable during that period?

He concluded with observing, that in suggesting what had occurred to him in favour of Mr. Hastings, he had avoided saying any thing upon the topic of his extraordinary services in general, being doubtful whether, upon the supposition of guilt in any specific article, a *set-off*, as it is called, or balancing of accounts between merits and demerits, would relevantly be admitted—at the same time it was a mode of defence not altogether new. The proceedings in Lord Clive's Case left no room to doubt that he owed his safety to it, and there was still a more illustrious example of it in history in the case of Epaminondas





nondas, the Theban General, who, when tried for his life before the tribunal of his country, for having kept himself in command four months after he should have laid it down, acknowledged the crime, but enumerated the glorious actions which he had performed, and said he would die with pleasure if the sole merit of these were ascribed to him, his countrymen having examined them.—This speech procured his acquittal, and whoever reads the history of India, during the late war, will be apt to think that Mr. Hastings may die when he pleases, with similar words in his mouth.

Mr. Courtenay began his speech with an ironical compliment to Lord Hood, declaring that every man must look up to the Noble Lord with the utmost respect and reverence, when it was considered how much his country was indebted to him for having been a *spectator* of the victorious feats of the brave Lord Rodney, on the 12th of April, 1782. [A general cry from the Treasury side of *Order! Order!* and Sir *Michael Le Fleming* rose up, and with great vehemence said, “if the House will bear this, all spirit is gone.”] Mr. Courtenay rose again, and asked where was the mighty harm of his having complimented the Noble Lord on his happening to be present when Admiral Rodney obtained his victory on the 12th of April, 1782; he meant what he said as a compliment, and surely there was no occasion for any Member to fly into a vehement passion, and call him to Order, when he was persuaded he had said nothing disorderly. The worthy Alderman who sat next him, he was sure would not be so captious, but would have more sense than to feel angry when he meant him a compliment, which he certainly did in what he was going to say. The worthy Alderman, of whose ingenuity he was well aware, and no one of the House’s Members was more ingenious, was a most respectable character; a character to whom the country stood highly indebted, for having at one period of his life diffused a spirit of liberty throughout the general mass of the people unexampled before, excepting only in the singular times of Jack Cade and Wat Tyler.





[*An almost universal roar of laughter!*] That worthy Alderman had seconded the Noble Lord's objections, and had spoken in favour of Mr. Hastings, who had likewise been elaborately defended by the Noble and Learned Lord opposite to him; but upon a review of the defence made by the learned Advocate, and the Noble Lord and worthy Alderman, their arguments would be found to be the most singular and extraordinary that could possibly have been urged. The worthy Alderman had mentioned the affair of the Begums, and had defended it, by saying, that the Begums were in rebellion against Mr. Hastings. Surely the worthy Alderman must have looked upon the transaction *obliquely*, or he never could have formed such an idea. Two old women, in rebellion against the Governor-General of Bengal. The fact was impossible—it could not have been so. Nor would the worthy Alderman have made an *Essay on Woman* in the manner that Mr. Hastings had done. That House well knew, that he would not. But the learned Advocate had chosen to defend the treatment of the Begums Ministers, and said, the eunuchs brought it upon themselves. Had they given up the money, they would not have been *flogged*. It was put to their option, and was a compromise. They would not give up the money, and therefore the *flogging* was fair. This, Mr. Courtenay said, put him in mind of a well known fact that happened many years ago. One of our Kings, King John, wanted to borrow some money of a rich Jew, but the Jew refused to lend any. He was then brought before the King, who ordered one of his teeth to be drawn. The Jew still refused to lend the money. The King ordered another of his teeth to be drawn. The Jew was yet obstinate; a third tooth was drawn, he then consented; the Jew therefore, according to the Learned Lord's argument drew his own teeth, for it had been put to his option, whether he'd lend the money or have his teeth drawn, and he chose the latter. Another extraordinary argument made use of by the Learned Lord, was his contending, that although Mr. Hastings took the pre-

sent





sent of the Nabob Vizier, he nevertheless rigorously exacted the immediate payment of the Nabob's debt to the Company, and consequently proved, that the present had not produced a corrupt effect. This reminded him of a case in point, which happened in James the Second's time, 1686, when there being some insurrections in the West, General Kirk was sent to quell the disturbances, an office which he executed with great rigour and severity. It happened that a young man was taken up as one of the delinquents, who was just going to be married to a young woman, and between them a mutual and an ardent passion subsisted. The young woman went to the General's tent, and implored mercy for her lover. The General told her, if she would suffer him to enjoy her, her lover should be saved. The young woman consented, and the first thing that Kirk did in the morning, was to lead the young woman out of his tent, and shew her the body of her lover hanging on a tree. In this instance, according to the Learned Lord's argument, General Kirk acted with strict justice, and in a laudable manner, for though he enjoyed the woman, he did his duty, and hung her lover. The Learned Lord, Mr. Courtenay observed, had laid great stress upon the motive and the intention, declaring that without proving, that the House as accusers had no right to ascribe guilt. This was new to him. He had hitherto always thought, that if the criminal fact was proved, the criminal intention was presumed. But, according to the Learned Lord's doctrine, if a man were to murder another, and not to rob him, he would be guilty of no crime, because he only murdered his object, and who could impute a criminal intention, since it was evident he had not robbed him, although he might, if he chose to have done so? With arguments absurd and ridiculous, upon the face of them, as those he had answered, had Mr. Hastings been defended; what he had said therefore was a sufficient answer to all of them; no real argument, solid, substantial, and rational, had been brought to prove that Mr. Hastings had not acted uniformly upon a system of treachery,





breach of faith, corruption, oppression, and injustice; without a regard to his engagements, to his duty to his station and character. As an instance that he had not done his best to promote the interest of his employers, Mr. Courtenay said, he would state an authentic anecdote, of which, if necessary, he could give indubitable proof. General Camac was about to embark for Europe, when intelligence reached Calcutta, that the Mahrattas threatened the invasion of Bengal. Mr. Hastings sent to desire the General to take the command of the troops, and march to the defence of the frontier of Bengal. The General consented, and, by his uncommon vigilance and exertions, brought Madagee Scindia to an engagement, in which he completely routed him, and destroyed a great number of his troops. Madagee sent to the General an offer of terms of peace, highly beneficial to the Company's interests. Mr. Hastings, instead of meeting the proposal, conveyed to him by General Camac, sends General Muir, a man debilitated by indisposition, and a martyr to the gout, to take command of the troops, in the place of General Camac, and three years afterwards, after the expenditure of millions, a dishonourable and disadvantageous peace was concluded with the Mahrattas. Mr. Courtenay expatiated on this anecdote, and took notice that Mr. Hastings had in the course of the preceding debates been compared to Verres, to Alexander, to Scipio, and to Epaminondas. He said, he thought the first comparison most in point; but he would not refer to the Romans and Grecians for a comparison. It was so long since he had read books relative to them, that he had almost forgotten their contents. He would look to more modern history for a comparison, and he recollected an apt and a close one. It was Ferdinando Cortez to whom he alluded. Ferdinando Cortez had been sent out by Charles the Fifth, to make discoveries in South America, to instruct, to *murder*, and to baptize the uninformed Indians. He pursued his object, and his footsteps were marked with blood and cruelty; inasmuch that the news of his brutality reached Madrid,





Madrid, and was thought so much a national disgrace, that an enquiry into his conduct was deemed due to the national character.—The Bishops and Archbishops, who united in their own persons the characters of Prelates and Chief Justices, were ordered to conduct the enquiry. Cortez was accompanied by one of these Chief Justices, the Archbishop of Toledo, whose object it was to go about and collect affidavits. In order to clear themselves from the charge, they contrived to get several affidavits sworn, that the deponents heard a chorus of Angels sing in the Mexican language, *Gloria in Excelsis*, and the blessings of Heaven upon the head of Ferdinando Cortez, for his humanity and benevolence to the Mexicans and Peruvians. The Archbishop of Toledo, transmitted these to the bench of his reverend brother Chief Justices; they persuaded the people to believe the facts deposed, a general credulity prevailed, and at the same time Cortez sent Charles the Fifth some jewels, not a *Bulfe* he believed, for that was an Oriental word, not then known in Europe, but which had an equal affect upon the Spanish Monarch's mind, for all Spain rang with the praises of Ferdinando Cortez. Extravagant and ludicrous as this story might appear, Mr. Courtenay said, it was an undoubted fact, and stated as such in the Letters of Cortez to Charles the Fifth. Mr. Courtenay dwelt for some time on the analogy between the conduct of Cortez, and the conduct of Mr. Hastings, and at length concluded a very long speech, with declaring, that he should vote for the second reading of the Report.

Mr. Alderman *Townsend* said, he did not rise to make jokes and tell pleasant stories, nor to express himself in terms so gross and indecent that they were not only not fit to be heard in that Assembly, but scarcely fit to be heard in any Assembly where the smallest pretensions to propriety were affected. He had not called the Hon. Gentleman to order who spoke last, because he meant to answer what he had said, but he was astonished that the Speaker had sat still and neglected to stop the Hon. Gentleman, and tell him such language was not to

Alderman  
Townsend.





be borne in that House. The Alderman appealed to the candour and feelings of Gentlemen, whether in a criminal proceeding, and while they were sitting in the capacity of Grand Jurors, it was either decent or becoming to abuse a Gentleman, who stood as a criminal at their Bar, in a manner so full of grossness and personal asperity? Having said thus much, and declared that, notwithstanding the natural warmth of his temper, he had restrained his feelings, because he wished to answer the Hon. Gentleman who spoke last, and who, he hoped, would get up, and make an apology to the House for what he had said, the Alderman declared he had said what he meant to say upon that subject; he would therefore dismiss it, and throw himself back upon himself. He then reminded the House that he had, in the beginning of the business, advised them by no means to think of an Impeachment, and had urged the extreme impropriety of carrying Articles to the House of Lords, which they would have thrown back in their faces, as unsupported by proof of any sort whatsoever, and incapable of being established by evidence. The fact had turned out, as far as it had proceeded, exactly as he had foretold; the Charges that had been voted, he had patiently attended, and had not heard one of them made out clearly and satisfactorily; if therefore they proceeded any farther, and went up to the other House, they must fail there, and the disgrace that they meant for Mr. Hastings would be their own. He had heard the honour and justice of the House appealed to, in his mind very improperly; he asked, what honour was there in hunting down an individual, who deserved the thanks of his country for having done it the most signal and essential services, and who was it that complained against Mr. Hastings? As to justice, if that were truly the motive of the House, why did they not make retribution to the persons from whom Mr. Hastings had taken the money, which he had applied to the necessary purposes of the Company? He justified Mr. Hastings on the ground of state necessity, and said, he deserved the highest  
applause





applause for having not stood upon so paltry a punctilio, as considering whether it was rigidly correct and legal, when he was about to execute a measure essentially necessary to the immediate service of the Company's affairs, and to the salvation of India. He said, he recollected when the Right Hon. Gentleman's father, with an activity and vigour of exertion that did him the highest honour, foreseeing that the French were preparing for war, sent orders to seize upon a number of French ships, and publicly sold them and their freights before there was any declaration of war. At that time, though undoubtedly as there had been no declaration of war, the act was in itself illegal, nobody thought of blaming the Hon. Gentleman's father; but, on the contrary, the country rang with his praises; but, as the nation meant justice, the money that the ships sold for and contained, to the value of 600,000l. was afterwards ordered to be returned to the innocent individuals to whom it belonged. The Alderman reasoned upon this, and said, making restitution to the persons whose property had been taken, would be more like an act of justice, than hunting down an individual against whom no complaint had been made. He concluded with expressing his hearty hope, that the House would that night put an end to the proceeding, by consenting to the worthy Alderman's Motion.

Mr. *Nathaniel Smith* (late Chairman of the East-India Company) rose next, and began with observing, that the facts charged against Mr. Hastings were involved in a considerable degree of intricacy and perplexity. They happened most of them many years ago, and in order correctly and clearly to understand them, it would be necessary to trace the circumstances and events that led the way to them, and upon which they were in fact grounded. Mr. Smith then entered into a minute detail of the particular transactions of the British Government of India, from the time of Lord Clive's being over there till Mr. Hastings came, and said that the system upon which Mr. Hastings had acted, arose from the extravagant expectations

Mr. Nath.  
Smith.





expectations suddenly to enrich themselves, and was formed, and had been in existence and uniformly acted upon, long before he went over there, and that the primary cause of it was suffering upwards of forty British officers, not subject to the martial law, to put themselves at the head of the troops of the native Princes. Mr. Smith declared, that he had expressed himself generally in terms of disapprobation of most of the measures of Mr. Hastings's Government, and thought the affair of the Begums, with the confinement and severities practiced on their Chief Ministers, the two Eunuchs, as well as the harsh treatment of the women in the Zenana, not only a very unjustifiable measure, but attended with circumstances not to be recollected without shuddering, or without feeling some degree of horror. The affair of Cheit Sing also was another of the transactions over which he wished to draw a veil. With regard to the presents, the giving and receiving of them was common to India, and though Mr. Hastings had accepted many of them privately, there were circumstances that pointed out his intentions to bring them all to the account of the Company. Had Mr. Hastings been actuated by personal motives of avarice, he might have realized more than half a million, beyond the power of that House to take from him. After going through the whole of Mr. Hastings's conduct, as referable to the matter in the Charges, and in the Articles of Impeachment, Mr. Smith said, there certainly were many things in the conduct of Mr. Hastings which he could neither approve nor justify; those he considered as the vices of his ambition; but while he condemned and censured the political vices of Mr. Hastings, he was not blind to his public virtues. There were parts of his conduct which he thought entitled him to a generous oblivion of his faults. Among other amiable features of Mr. Hastings's character, his public spirit, his firm and composed temper in hours of the greatest peril and difficulty, his liberality, and encouragement of learned men, his founding literary seminaries, and taking

Steps





steps to promote the study of Persian and of the language of the country, were dwelt on by Mr. Smith most pointedly. He at length drew to a conclusion, by recommending it to the House to balance the merits of Mr. Hastings against his demerits, and to admit the Impeachment to go no farther, on account of the one's greatly over-balancing the other.

The *Chancellor of the Exchequer* began with observing, that Mr. W. Pitt he had deferred giving his sentiments on the question so long, because he found many Gentlemen, who were averse to the prosecution, had hitherto reserved themselves on the various stages through which the business had already passed, and had taken the present opportunity of delivering their opinions at large upon the whole of the subject, and had then, for the first time, entered into the defence of Mr. Hastings. As this seemed to be the case, he thought it was but justice to those Gentlemen, to Mr. Hastings, and to the cause, to hear what they had to say, without interrupting them, or anticipating their general argument in favour of Mr. Hastings, by a particular discussion of the question immediately before the House. Those Gentlemen had not taken up the question, either as to the form of the articles, or the mode of proceeding, but had confined themselves solely to the broad consideration, whether Mr. Hastings was, or was not, guilty of crimes sufficiently great and glaring to render him deserving of punishment; and this discussion had been handled in a variety of ways by the several Gentlemen that had undertaken it, and all of them had gone the length of arguing, that there should be a complete and final conclusion to the whole proceeding,—an opinion that he was ready to declare his own perfect and intire dissent from; for he could not conceive how it could be reconciled to the honour, the consistence, or the justice of that House, to stop short of sending up the Impeachment to that place, where alone it ought to undergo its ultimate discussion. The Noble Lord who had begun the Debate, and the Hon. Magistrate who had followed him, had confined themselves wholly to a collateral





collateral question, and one not immediately connected with that before the House, namely, the merits of Mr. Hastings, which they pleaded as a *set-off* against his offences. This was a ground which he expected and hoped would have been abandoned, after what had already passed upon that subject, both from Mr. Hastings himself, who had disclaimed any such plea, and from many of the Gentlemen who had delivered their opinions in the Debates on the several Charges. For his own part, such was his opinion of many parts of the Charges brought against Mr. Hastings, of their importance and their criminality, that he could not conceive, if they were well founded, how the highest and the greatest merits, that had ever been alledged in favour of Mr. Hastings, could be set in opposition to them as a plea even against conviction and punishment, much less against inquiry and trial, which were now the objects in question. His learned friend had very judiciously taken a different ground, and given up that set-off; but still the principles he went on were no less objectionable than those of the Noble Lord and the Hon. Alderman: he had treated the subject as if it was deficient of that consequence or magnitude which could intitle it to the judgment of that high and weighty tribunal to which it was proposed to submit it, and had besides endeavoured to oppose the further progress of the business in that House, by analogous reasonings from the nature of this form of proceeding in Parliament, and that of Grand Juries and other Courts. But he could not conceive how any Gentleman could possibly consider the Charges against Mr. Hastings in any other light, than as a very grave, heavy, and serious accusation, such as was supported by evidence at least sufficient to warrant the putting him on his trial, and such as was of magnitude sufficient, if substantiated in proof, to bring down on him very ample punishment. But as to the analogies to other inquests, the learned Lord himself, and those who entertained opinions similar to his, had themselves shewn how little their analogous reasonings applied, for they  
all





all seemed to go upon an idea, that the finding matter sufficient to put the party on his trial, was assuming, for a certainty, that there was sufficient matter to convict; but this was by no means the case, for it never was supposed, or imagined, that exactly the same degree of evidence that was sufficient to warrant an Impeachment of that House, must necessarily be sufficient to support and insure a conviction; neither was this the case in the finding of a Grand Jury: in both cases, the final judicature must have proof considerably more substantial than that which the original inquest would have been justifiable in proceeding upon. But it was impossible for that House to govern itself exactly by the rules of a Grand Jury; for the subjects that were likely to become objects of impeachment, were so different from those with which Grand Juries were conversant, that no analogy could take place in their modes of proceeding; besides, if the House of Commons was to take the proceeding of a Grand Jury as their precedent, and follow it exactly in all instances, it would amount to a complete dereliction of that function which they were then exercising—that of Impeachment; a function which had been the bulwark of the constitution, and which had enabled that House to preserve and maintain the freedom of their country, through the several struggles they had made for that purpose.—Was that House competent to take deposition and evidence upon oath? It certainly was not; and therefore, if it were not, to proceed to an Impeachment upon any other species of evidence than would justify a Grand Jury in finding a bill of indictment, it must never impeach at all; for a Grand Jury could not find it, except upon affidavit. Still he admitted that House ought never to go such a length as the carrying up an Impeachment, except upon such evidence as would afford a reasonable probability of their being able to make good their Charge before the other House; and was there not here, from what had been produced in support of this Charge, and from the collateral and indirect matter that had alone been resorted to in defence of





of that Charge, very reasonable grounds for expecting that they should be able to make good the present?—An Honourable Magistrate (Alderman Townsend) had inveighed with great severity on the conduct of Gentlemen, who he thought, in support of the Charge, had used expressions of too violent and personal a nature to be admitted in the progress of a judicial enquiry. He certainly was of opinion, that there was much illiberality in any attempt to inflame or excite emotions, beyond what might naturally be expected to result from a fair and candid developement of facts, in the minds of those who were the instruments of public justice. He confessed, that he once was of opinion, that the language of those who chiefly promoted the present proceeding, was too full of acerbity, and much too passionate and exaggerated; but when he found what the nature of the crimes alledged was, and how strong the presumption that the allegations were true, he confessed he could not expect that Gentlemen, when reciting what they thought treachery, actions of violence and of oppression, and demanding an investigation into those actions, should speak a language different from that which would naturally arise from the contemplation of such actions. The Hon. Magistrate had argued, that the honour of the House was not committed to adopt the Resolutions of the Committee, and had endeavoured to prevent such an impression from falling upon Gentlemen, as an inducement to their voting for them. But was there, he asked, any danger of Gentlemen being influenced by such a consideration, in the present instance? Had the Resolutions of the Secret Committee been a new matter, perhaps there might then have been some room for cautioning the House not to be drawn into too hasty an adoption of them, from motives of consistency, because, in such a case, their adoption might possibly be attributed to such motives; but, in that case, such a caution must be unnecessary, for no Member could consider himself bound to support the Resolutions of a Committee, merely because they were Resolutions of a Committee. In  
this





this instance, the object of the Hon. Alderman ought to be, to convince such Gentlemen, individually, as had voted for the several Charges, that having done so, yet they would not be inconsistent in now opposing the Report; but this argument, he must say, he believed no Gentleman would attempt to support, for certainly no Gentleman, who had supported the Charges, could, consistent with the principles on which he did so, now oppose the further progress of the business. But, in fact, he not only considered those Gentlemen who voted for the Charges individually, but the whole House collectively, as called upon, by every motive of honour and consistency, by their regard for the national character as well as their own, to unite, and persevere, in bringing the matter to a final conclusion before the other House.—The Hon. Gentleman who had spoken last, and who every body knew to be most perfectly conversant in the affairs of the East-Indies,—who had done himself so much honour in every part he had ever taken in the management of their affairs, and who had been besides in general a strenuous opposer of the measures of Mr. Hastings, had that day made the best defence for him that he had as yet heard, and yet, upon the very grounds of that defence, Mr. Hastings appeared highly culpable. The principal argument that Hon. Gentleman had stated in favour of Mr. Hastings, was, that a great part of those rapacious exactions, which he had made in India, arose from the orders he had received from his employers, the East-India Directors, who were so elated with the acquisition of the Dewanee of Bengal, and the expectations they from thence entertained of becoming the channels of vast wealth into this country, that they gave him directions for such extensive investments as could not be provided by the ordinary resources of the Company, and of course drove him to the necessity of supplying, by rapacity and extortion, the means of fulfilling their injunctions.—Taking this to be the fact, it was, he contended, no argument whatsoever to screen Mr. Hastings from punishment,

for





for it went to say, that whatever acts of injustice a servant of the Company may commit, provided he does it by the orders of his immediate superiors and employers, he should not be amenable to punishment; a principle which, of all others, that House should be most assiduous to resist, because such a principle, if once established, would entirely overthrow the responsibility of all public officers, even of Ministers themselves. But was the fact even so, the East-India Company might entertain too flattering and too sanguine ideas of their situation, and so doing would naturally, as they had done, give orders to their servants measured by the scale of those ideas. But was Mr. Hastings justifiable in recurring to acts of oppression and tyranny, in order to realize the visionary prospects of his masters? Was it not his duty to undeceive them, and, by a proper representation of their affairs, excuse himself for the non-performance to its full extent of their commands? He should recapitulate as shortly as possible the state of the Charges against Mr. Hastings, from which it would appear, how impossible it was for him, or such Gentlemen as were of opinion with him, to give any other vote, but one of concurrence with the Motion. Though he certainly considered the whole of the Charges, as originally brought forward, as highly exaggerated in some parts, and as not wholly founded in others, yet there appeared, from the evidence that had been produced, that there was in them a great deal of matter of substantial criminality, and sufficiently authenticated to warrant the House in proceeding upon it. The chief point of this mass of delinquency was all he could touch upon, nor would he go into the articles at any length, having already delivered his sentiments pretty much at large upon such parts of them as he was not anticipated in by Gentlemen who thought as he did. In one part of the Charge of Benares, there was great criminality; in that of the Princesses of Oude there was still more, and that, indeed, he looked upon as the leading feature in the whole accusation. In the Charges





Charges concerning Farruckabad and Fyzula Khan, there was also much criminal matter. In all of those there were instances of the most violent acts of injustice, tyranny and oppression; acts which had never been attempted to be vindicated except on the plea of necessity. What that necessity was, had never been proved; but there was no necessity whatsoever that could excuse such actions, as those attended with such circumstances. He could conceive a State, compelled by the necessity of a sudden invasion, an unprovided army, and an unexpected failure of supplies, to lay violent hands on the property of its subjects; but then, in doing so, it ought to do it openly, it ought to avow the necessity, it ought to avow the seizure, and it ought unquestionably to make provision for a proper compensation, as soon as that should become practicable. But was this the principle Mr. Hastings went on? No; he neither avowed the necessity nor the exaction; he made criminal charges, and under the colour of them he levied heavy and inordinate penalties, which, if he had a right to take at all, he would be highly criminal in taking in that shape, but which having no right to take, the mode of taking rendered much more heinous and culpable. He certainly had no right to impose a fine of any sort on the Princesses of Oude, for there was not sufficient proof of their disaffection or rebellion; and the fine imposed on Cheit Sing in a certain degree partook of a similar guilt, though not to so great an extent; for then the crime was, in his opinion, not so much in the fine itself, as in the amount of it, and its disproportion to the circumstances of the person who was to pay it, and the offence he had committed. But this vindication from one part of the Charge, in itself so weak, became, when coupled with other parts, a great aggravation; for when a person on the one hand commits extortion, and on the other hand is guilty of profusion, if he attempts to screen himself under the plea of necessity for his rapacity, it follows that he is doubly criminal for the offence itself, and for creating the necessity of that





that offence by his prodigality ; and a still higher aggravation arises from the manifest and palpable corruption attending that prodigality ;—for to what else could be attributed the private allowances made to Heyder Beg Khan, the Minister of the Nabob Vizier, and the sums paid to the Vakeel of Cheit Sing, when it was remembered that the one led the way to the treaty of Chunar, and the other to the revolution in Benares. The Hon. Gentleman who spoke last had attempted to excuse all these actions, by shewing that Mr. Hastings was not the person who first began the interference of the Company with the native Princes, nor the influence it had obtained in their politics ; and that the inconveniences attending the double government of Oude were not to be imputed to him. But surely, to whatever cause that influence might be originally attributed, Mr. Hastings was answerable for the management of it, as long as it was in his hands, and to excuse him on this plea, would be to justify the tyranny by the power ; for though the influence of the Company had given him the power to oppress the neighbouring country, it had not imposed on him the necessity of doing so. The Hon. Gentleman had attempted to palliate those parts of Mr. Hastings's conduct, by stating, that if he were guilty, he was so in common with the rest of the Council ; but this, if it were the case, was by no means a sufficient excuse for him, nor could it be a reason with the House for dropping the Impeachment ; for his having accomplices in his crimes could be no exculpation, and it would be highly derogatory to the honour of that House, if they were to say, “ No, we will not bring the delinquent to justice, because there are a number of delinquents besides him.” Nor would this be a reason even for impeaching the rest, for it was by no means adviseable to multiply examples : the proper way was, to select such as, from their exalted and ostensible situations, were the more likely to be an effectual example. But it was impossible to justify Mr. Hastings on such a ground as this, even if it were a tenable ground at all ; because a considerable part of those





enormities, which he was charged with, were committed at a distance from his Council, and when he was entirely out of the reach of their advice or controul.

In the Article of the Contracts, there were some glaring instances of breach of orders, and of improvidence and profusion, which though not of so heinous a nature as those he had before mentioned, were such as called loudly for punishment. But there was another Charge which he was astonished to find the Gentlemen who defended Mr. Hastings could treat so lightly, as it was one which appeared to him in itself sufficient to justify the Impeachment, though it had stood alone, and was of such a nature as, in a peculiar degree, called for the interference of that House. This was the Charge of taking Presents, which, in every light it could be considered in, whether as a direct breach of the law which appointed him, a positive evidence of corruption, and a degradation of the character of his employers, was a great and heavy accusation; and as to the excuse that had been offered, that he had received those Presents for the use of the Company, even that was criminal in a degree. But for his part, he could not accede to the opinion either that he had received those sums with an intention of applying them to the service of the Company, or that he had actually applied them all in that way; for had this been his intention he would have kept such accounts, and made such immediate communications of them, as should clearly prove that it was so. But there were no such accounts produced, nor no such communications made; and there were, besides, circumstances attending some of them, that proved they must have been received with a corrupt intention. As an instance of this, he mentioned the present Mr. Hastings had received from Kelleraam, which was attended with the most suspicious of all circumstances, namely, that that very person was at the time in treaty for a district of land belonging to the Company, and no question could be entertained but he gave the money in order to obtain a favourable bargain;





bargain; so that had this been done for the Company, it was a most unjustifiable and impolitic method of managing their concerns; for in that case it should have been negotiated openly in the nature of a fine, and not privately as a bribe, in which latter light alone it ought to be considered. Upon the whole, he concluded with declaring, that the House could no otherwise consult their own honour, the duty they owed their country, and the ends of public justice, than by sending up the Impeachment to the House of Lords.

Mr. Martin.

Mr. *Martin* declared himself a friend to the Impeachment, after the facts in the several Charges had been so fully established. He said, if any Gentleman would move that a retribution should be made to those persons from whom sums of money had been exacted, he would second the Motion.

Lord Mulgrave.

Lord *Mulgrave* declared, as he had voted against the Question on every Charge, excepting only that relative to the Presents, he must, for consistency's sake, vote for the worthy Alderman's Motion that night.

Mr. Burgess.

Mr. *Burgess* spoke in favour of Mr. Hastings.

Major Scott.

Major *Scott* said, I rise, Mr. Speaker, to offer a very few observations upon some things that have fallen in the course of the debate, but without a wish to go into a minute detail of the Articles at this late hour of the night. The Right Hon. Gentleman below me (Mr. Pitt) has said, that if the necessity for the confiscation of the Begums treasures were proved, it would be a complete justification. Considering, Mr. Speaker, the mass of papers that I have been under the necessity of moving for, it is not at all surprizing that many of them remain to this hour unperused; but if ever there was a point so fully proved, that no man of common sense can entertain a doubt of it, the papers in my hands prove the necessities of the Government of Bengal, at the period in which Mr. Hastings authorized the seizure of the Begums treasures. These papers prove that we had at that time five armies in the field, each many months in arrears, without a probability of these arrears being paid off; and





and Lord Macartney's letter to Mr. Anderson proves the desperate state of our affairs in the Carnatic. An army largely in arrears, no money in the Treasury, a French fleet and a French army hourly expected, and the supplies from Bengal, liberal as they were, by no means adequate to their expences. This, Sir, was our situation in every part of India. The Company's interests sinking, as Mr. Hastings truly said, in every quarter, and only to be preserved by strong measures exerted with a strong hand. I hope, Sir, I am neither a ruffian nor a robber; but I protest to God, the circumstances were such, that had I been the Governor-General, I think they would have justified me in plundering a Mosque, or rifling a Zenana. After having recited what the state of the Company's affairs was, and the papers on your table prove it in its fullest extent, I now assert, that Mr. Hastings never has used, and that he never thought of using the plea of necessity; it would have borne him fully out, but he had another. The article of Impeachment states very truly, that the Nabob Vizier had often wanted to seize his mother's treasures, but was prevented by Mr. Hastings; but in 1781, when the Begums had acted in such a manner as to justify Mr. Hastings to his own conscience in withdrawing the Company's guarantee, he did it, and by so doing, he permitted the Nabob to do that which he so long had wanted to do, and the Company's distresses were relieved. That the Begums had afforded assistance to Cheyt Sing, was a fact of the most public notoriety. Mr. Markham has told you, at your Bar, that he believed it as fully as he did the existence of the American war; and I do declare, Mr. Speaker, upon my honour, that I have conversed with thirty Gentlemen, who all assert the same thing, and will depose it at the Bar of the other House. The error Mr. Hastings committed, in my opinion, was this—instead of acting upon the universal notoriety of the fact, he wished to make assurance more sure, and affidavits were taken to satisfy, not himself, but the people in England, who had not the same means of information that he had. I





therefore repeat, Sir, that though Mr. Hastings does not use the plea of necessity, there never was a period in which the necessities of any State were so urgent as when those treasures were seized; and I now pledge my credit in this House, and to my country, that it will come out in proof, we owe the preservation of India, in 1782, to the seizure of the Begums treasures. I some time ago moved in this House, for copies of any complaints that might have been sent home against Mr. Hastings, from Fyzulla Cawn, Muzuffer Jung, the Nabob Vizier, or any of his subjects, and the return to this order was, two letters from the two former, saying that Mr. Hastings's kindness to them had been very great, and expressing a hope that his successor would be equally kind to them. The answer from the Nabob was, that he had sent an agent to England, to represent to the Directors, that he hoped there never would be any deviation from the agreement his dearest friend, Mr. Hastings, had concluded with him, yet they are the men he is accused of treating so ill. An Hon. Gentleman (Mr. Martin) for whom, though we do differ in opinion, I entertain the greatest respect, has said, that if any person would make a Motion to afford retribution to those who have been injured by Mr. Hastings, he would second the Motion. If I thought as that Hon. Gentleman does, I would wait for no man to make the Motion—I would satisfy my conscience, and make it myself. I would stand up for the dignity and honour of the House of Commons of Great-Britain, which will be rendered infamous to all posterity, which will become the scoff and scorn of Europe, if it pronounces certain acts of Mr. Hastings to be wrong, if it impeaches him for those acts, and basely and meanly benefits by his misdeeds. Mr. Hastings is accused in the Charges before the House of accumulating, for the East-India Company, nine millions and a half sterling, by acts of oppression and injustice, a Right Hon. and Learned Gentleman (Mr. Dundas) in his first Indian speech in this House, when I sat in the gallery, accused the Directors of  
finding





A. 1787.]

D E B A T E S.

69

finding fault with their servants for the means they took to procure money, but he added, they always were very ready to take the money. He opened his Indian Budget two days ago, and I confess it was a *proud* day; but the Right Hon. Gentleman took credit for every sum that Mr. Hastings had acquired. If those Charges are true, will a British House of Commons permit Cheyt Sing, who is styled a Prince, to be a fugitive through Indostan? Why do they not restore him, and repay him the 123 lacks we have taken from him? We never could have got the hundred and thirty lacks the Nabob Vizier owed us in 1781, except by the seizure of the Begums treasures—so with the Nabob of Bengal—the King Shaw Allum—the Sale of Corah and Allahabad, and the Presents All these acts have procured for the Company nine millions and a half sterling; I think them all justifiable, politic and wise—but if I thought otherwise, I should conceive myself as infamous as the Corregidor in Gil Blas, who punished the robber for stealing a bag of a thousand doubloons, but instead of restoring the money to its right owner, appropriated it to his own use; and therefore I repeat, Mr. Speaker, that this House will record its own infamy to all Europe, if it punishes Mr. Hastings for acts done for the public good, and does not make retribution to the injured parties, but not one word upon this subject have I heard, except from one Hon. Member who has engaged to second the retributory Motion. I shall not detain the House with a more accurate examination of the Articles, but as the scene of three of them is laid in Oude, I beg leave to read an extract from the latest letter that could have been received from thence. It is dated Lucknow, the 30th of October last, and given to me this morning by a physician of great eminence in this town, who received it by the Swallow, and it will shew the House what the natives of Oude think of these Charges:

“ I have read with indignation the voluminous and malignant Charges against Mr. Hastings. The opinions I sup-





pose of impartial men in England, must be the same as those of the like description in this country; that he was a great man who acted zealously and in arduous situations for the interest of his employers, and wish him to triumph over his present persecutors. It appears that at least one third of the Charges respect this place, and I can bear witness in what estimation, I had almost said adoration, his name is held in here from the Vizier down to the lowest of his subjects capable of judging. They love him for the amiable affability of his present manners; they revere the justice and moderation of his public character, particularly during the latter years of his Government, and they are struck dumb with astonishment at his disinterestedness; for I can say it from the highest authority, that he would not even permit his current expences to be defrayed whilst he was here, but quashed with the most forbidding dignity, every idea of pecuniary emolument to himself. The affair of the Begums will perhaps have the worst appearance in the eyes of the people of England; but the case was simply this—That the wealth they possessed was the family-fortune of the Nabob, which, agreeable to the custom of India, was a deposit with the women of his family, and whatever tenderness might be shewn during their lives, it was really and actually his property, and could belong to no one else. This dead hoard was accordingly in a case of exigency, such as threatened the existence of the English in Hindostan, and of course of their ally, was demanded, not as a contribution upon the Vizier, or as a loan extorted from him, but merely to liquidate his debt to the Company, and was faithfully applied to the purpose, and was so seasonable a relief, that the public credit of the Company was saved by it. This was all that Mr. Hastings did; the violences used in the detail of the business ought not to be charged to him.”

Mr. You g. Mr. Young said, as he had last Sessions moved that the word *Impeachment* be a part of the Motion, with a view to shew Gentlemen the great length they were proceeding, and by





way of expressing his disapprobation of the mode adopted, of exhibiting separate and distinct Charges, and then ultimately making the accumulated *quantum* of criminality resulting from the whole, the ground of Impeachment, he should wish to withdraw, and not vote at all, though he did not hesitate to declare, that after what had passed, neither the honour of that House, nor the honour of Mr. Hastings could be cleared, without their carrying the Articles up to the House of Lords.

Sir *Philip Jennings Clerke* spoke against the Amendment, and for the second reading of the Report, with a view to forward the Impeachment. Sir P. J. Clerke.

The House divided on the word *now* standing part of the Question, when the numbers were, *Ayes* (for the Report's being *now* read a second time) 175. *Noes* 89.

Major *Scott* said, he had several observations to make on the different Articles, but he was not prepared to make them at that late hour; he therefore wished the House to adjourn the farther consideration of the Report to this day. Major Scott.

Mr. *Fox* said, he had no objection to consent to having the first Article read and voted, and then postponing the farther consideration of the remaining Articles of the Report till next day, in order to give the Hon. Gentleman time to make his observations, provided that every Gentleman clearly and distinctly understood, that as soon as the question had been put upon each article, the decisive question of Impeachment would come on. Mr. Fox.

The *Chancellor of the Exchequer* said, when they came to the Article containing some facts which he had, when the Charge was under separate and distinct discussion, stated his reasons for not adopting; he would then state his objections, and if they were over-ruled, he would not vote at all upon that Article, but that he should nevertheless be ready to vote for the general Question of Impeachment. Mr. W. Pitt.

This being so adjusted, the first Article was read and voted. After which, the remainder of the Report was adjourned for further consideration next day.





*Thursday, May 10.*

REPORT OF THE SECRET COMMITTEE, CONTAIN-  
ING ARTICLES OF IMPEACHMENT AGAINST  
WARREN HASTINGS, ESQ.

The House, upon motion, proceeded to take the remaining Articles of the Secret Committee into consideration, and when they came to the Article relative to the Princesses of Oude,

**Major Scott.** Major *Scott* said, he did not mean at all to trouble the House with objections to the Articles, but there was one objection, in point of fact, to the second Article, which he could not help taking notice of; it was in proof before the House, both by *viva voce* evidence, and by undisputed records, that every thing asserted relative to the women in Khord Mahal, was a most palpable and ridiculous misrepresentation; that not only Mr. Hastings, but no Englishman, Irishman, or native of Scotland, had the smallest connection, directly or indirectly, at any time, with the women of the Khord Mahal. As this assertion must be so completely disproved before the Lords, he submitted it to the Gentlemen on the other side of the House, whether they would chuse to insert such nonsense in their Charge. As for Mr. Hastings, he was clearly ignorant of the whole proceeding, but he stood up for the honour of every subject of Great Britain, when he said that no person connected with our Government was accountable directly or indirectly for the good or ill government of the women of the Khord Mahal or lesser Zenana.

**Mr. Burke.** Mr. *Burke* said, the House had the preceding day heard, from an authority of the first rank, (Mr. N. Smith) of the improper part Hyder Beg Khan (the Minister of the Nabob Vizier) had taken, and he meant to charge Hyder Beg Khan as the instrument and agent of Mr. Hastings in all the transactions relative to the criminal proceedings in Oude, of which  
the





the House would hear much more than they yet knew, the next day. Hyder Beg Khan had been the black mover of those black proceedings, at the very mention of which a white face could not but have blushed. Mr. Burke added some other reasons for thinking decidedly that Mr. Hastings was the principal, and Hyder Beg Khan the immediate agent of all the acts of criminality, oppression and corruption committed in Oude, and gave notice that he would act upon that sentiment, and make it matter of Charge against Warren Hastings, Esq.

Major *Scott* said, in reply to Mr. Burke, that he would push <sup>Mr. Scott.</sup> the matter no further; but when the Right Hon. Gentleman failed in all his proofs, as he knew he would, he hoped the House would recollect all that had passed on that day, and as he now saw an Hon. Gentleman (Mr. Courtenay) in the House, who had related some circumstances relative to Colonel Camac, the Major said, he was ready to lay before the House, in letters written by Colonel Camac himself, the fullest proof that the Hon. Gentleman had asserted what had not the smallest foundation in fact. The subject, it was true, was of no great consequence, but he pledged himself to prove, from letters written by Colonel Camac himself, that there was not the smallest foundation for one single assertion that the Hon. Gentleman had made relative to Mr. Hastings's treatment of that officer.

Mr. *Courtenay* rose, and said, he would not lightly state a <sup>Mr. Courte-</sup> fact of importance to the House, and declare it to be authen-<sup>nay.</sup> tic, unless he was persuaded himself that it was well founded. He had heard the particulars of the anecdote he had stated the preceding day relative to Colonel Camac, from a gentleman of undoubted veracity. The gentleman he alluded to was well known, he believed, to many persons in that House, and universally respected by all who knew him; he meant Mr. John Smith. That Gentleman had in his presence declared, that Lieutenant-Colonel Camac had taken the command of the troops at the instance of Mr. Hastings; that he had by dint  
of





of superior vigilance and activity, surprised Madajee Scindia's camp, taken all his artillery, and made a great number of his forces prisoners; that Madagee Scindia in consequence sent two Vakeels with propositions of peace extremely favourable to the British interest in India; that Lieutenant-Colonel Camac immediately transmitted the propositions to Mr. Hastings, and instead of receiving any answer to the point, Colonel Muir was sent out to take the command from Lieutenant-Colonel Camac, which was, he believed, the first instance of rewarding a successful-Commander by depriving him of his command. Mr. Courtenay added, that Colonel Muir was afterwards defeated by Madagee Scindia, and a dishonourable peace was ultimately obliged to be made.

#### IMPEACHMENT OF WARREN HASTINGS, ESQ.

On the Question (moved by Mr. Burke, after the Articles of Impeachment were all read, amended, and agreed to) “ That Warren Hastings, Esq; be impeached of High Crimes and Misdemeanours,”

*Mr. Sumner.* Mr. *Sumner* expressed his astonishment that a gentleman of such high character, acknowledged ability, and received integrity as Mr. Hastings, should be the subject of an impeachment. He said he had been bred up in the habit of regarding that gentleman as a model of perfection, and been taught by those, who for twenty years had run a race with Mr. Hastings in public life, to think, that if he could imitate any thing of his great example, he could not fail to make a shining figure in any station, to which, by the exercise of his talents, or by the chance of events, he might be raised. He described Mr. Hastings as a man educated in the idea of filling a place in private life only, but who had, by unforeseen accidents, been exalted to a rank of great dignity and singular power. That, however his conduct in that dangerous and tempting situation, might have rendered him the object of a prosecution





prosecution carried on in that House, with uncommon virulence, (he had almost said, with unexampled malice) he was regarded by the world in general as a politician possessed of more than ordinary wisdom, and as a statesman eminent for his activity and exertion. The French, he said, to whom Mr. Hastings had certainly, in his public conduct, evinced no partiality, idolized him, and extolled his actions as more than human. Indeed there was scarcely a quarter of the globe, or any place in any district of the divisions of the world, that did not join in his praise, and speak of him with rapture, excepting only **that** House, where he had been debased by joking phrases, run **down** by ribaldry, and loaded with invective, fit only to be applied to the most atrocious criminal after conviction, and by no means worthy to be heard in a British Senate engaged in an enquiry, whether there was matter of charge or not, against a gentleman who had lately stood in a situation, from its eminence alone, intitled to respect and veneration. Mr. Sumner pursued his theme in terms equally glowing and animated, and after an abundance of praise of Mr. Hastings, of deprecation of his prosecution, and of assertion of his thorough conviction of his complete innocence, he concluded with expressing his concurrence in the Impeachment, as the only means of rescuing Mr. Hastings from the calumny with which his name was at present loaded.

Major *Scott* rose after Mr. Sumner, and said, I will not, Mr. Major Scott.  
 Speaker, presume to detain the House upon the present question, but as I have invariably and conscientiously voted against every Article, and as I now mean most heartily to vote for the Impeachment, I hope the House will permit me to state very shortly what are my reasons for the vote I now mean to give :— I opposed the Articles from a complete conviction that they are founded in ignorance and misrepresentation, and in fact, the whole of the Right Hon. Gentleman's Charges amount to this, that Mr. Hastings by oppression, by injustice and corruption, has obtained for the Company nine millions and a half sterling.  
 I think,





I think, Mr. Speaker, that all the ~~acts~~ complained of were wise, politic, and just. But were I of a contrary opinion, could I, as an honest man, lay my hand upon my heart, and vote for the Impeachment of Mr. Hastings, while basely and infamously I benefited by his misdeeds? I could not. And how Gentlemen, who condemn these acts, suffer a day to pass without moving retribution to the sufferers, is to me incomprehensible. The Articles, however, have been received by the House, and it is asserted, that he has been influenced by corrupt motives in various instances. This being the case, I cheerfully vote for the cause being transferred to that tribunal, where I know the falsity of the Charge must be proved by incontrovertible evidence; and it is upon this ground I give my vote. I agree to the Impeachment, as the means by which the honour of Mr. Hastings will be fully cleared; at the same time I, with all mankind, express my wonder that, after all the calamities this country has sustained, after all the losses she has suffered from the folly or mismanagement of her Rulers, the man allowed by all to have been eminently successful, should be the object of prosecution by the Commons of Great-Britain in Parliament assembled.

Mr. Burgess. Mr. *Burgess* said a few words complimentary of Mr. Hastings, and declared his concurrence in the Motion, for reasons similar to those that had been acknowledged to actuate other Gentlemen; amicably inclined to Mr. Hastings.

The Question was carried.

Mr. Montague. Mr. *Frederick Montague* said, he rose to make a Motion, that could not, he conceived, meet with resistance after what had passed, as it was founded in principles of justice and humanity. Mr. Montague then moved,

“ That Mr. Burke, in the name of the House of Commons, and of all the Commons of Great-Britain, do go to the Bar of the House of Lords and impeach Warren Hastings, Esq; late Governor General of Bengal, of High Crimes and Misdemeanors, and do acquaint the Lords, that the Commons will,





will, with all convenient speed, exhibit Articles against him, and make good the same."

The majority of the House immediately attended Mr. Burke to the Bar of the House of Peers, where Mr. Burke solemnly impeached Mr. Hastings in the form above recited.

*Friday, May 11.*

### IMPEACHMENT OF WARRIN HASTINGS, ESQ.

Mr. *Burke* stood up in his place, and reported to the House, Mr. Burke that he had been to the Bar of the House of Lords, in obedience to the commands of the House, and there, in the name of the House of Commons, and of all the Commons of Great-Britain, impeached Warren Hastings, Esq; of High Crimes and Misdemeanours. Mr. Burke proposed Mess. Wallis and Troward, as the Solicitors on the part of the House, and took the opportunity of giving notice, that at the instance of some persons of considerable importance in that House, he should move to discharge the Order that stood for this Day, for taking into consideration the Charge relative to the Misdemeanours in Oude, which he meant to bring forward, when he should be extremely short, unless the criminality of the conduct of Mr. Hastings, which in his opinion appeared upon the face of the Charge, should be denied; and in that case, he should feel it necessary to go somewhat at length into explanation.

### CALLICO PRINTERS' BILL.

Upon the Question for reading the Report of this Bill,

Mr. *Dempster* rose and opposed it, on the ground of the Bill Mr. Demp- being likely to prove injurious to the Revenue. He contended, st. that though individual Members of Parliament were not officially called upon to propose measures for the increase of the Revenue, that it was nevertheless their duty universally to do all in their





their power to prevent any measure from passing into a law that was likely to tend to its diminution.

Alderman  
Newnham.

Alderman *Newnham* shortly replied, and defended the Bill as fair, liberal, and just, since it held out protection to skill, ingenuity, and invention with an equal hand, and made no distinction in favour of any particular place or any particular party.

The House divided,

*Ayes*, 78.

*Noes*, 14.

### F A R M I N G P O S T H O R S E T A X B I L L.

The Order of the Day for the third reading of the Post Horse Tax Farming Bill being moved and read, the Speaker put the Question, when

Mr. Joliffe.

Mr. *Joliffe* said, that he conceived it to be his duty to oppose the progress of the Bill in every stage, and that although it had been before debated, he could not avoid again stating his objections to the principle. For that it was the principle that was attempted to be established, and not merely the Bill that was the object of pursuit, no man who would allow himself a moment's consideration, could possibly doubt. One Hon. Gentleman, a uniform supporter of the Minister, and who was probably much in his confidence, had spoke out manfully, as he always did; he had declared that the letting of the revenue to farm in many instances, was the best mode of collection, and ought to be established. This assertion was acquiesced in by the Minister's silence; and Mr. Joliffe said, he would put the matter thus in issue: would the Right Hon. Gentleman declare that he never would again apply to Parliament for the power to let to farm any other part of the revenue? If he would, this, though in many respects objectionable, might be acceded to; but if he would not, no man could be hardy enough to deny that the principle of letting the revenue to farm was the object sought after, and this was only to try how the  
House





House and the public would relish the attempt. He would, therefore, he said, contend against the principle, and endeavour to shew that it was not conformable to the generally received principles of the constitution, and that it went to establish a system of influence, of power and corruption, greater than ever was known to exist in this country. He was well aware that it might be said that the letting the revenue to farm was no direct breach of the constitution, for that it had been practised in former times: to this he must observe, that he conceived the constitution to depend more on modern than on ancient practice, and that there had been no instance since the reign of Charles the Second of letting any part of the revenue to farm. He did not know whether the present Ministry would chuse to date the æra of the constitution from that reign, but he would go no farther back than the Revolution, and from that period to this, no Minister had dared even to propose a measure of the kind. To argue that the grant of the cross posts to Mr. Allen had any analogy to this, was a position the most preposterous that could be stated; Mr. Allen was the inventor of that scheme, and he was allowed to farm the experiment as Mr. Palmer now farmed the carrying the letters by coaches. He was limited to take a definite sum for each letter, no dispute could arise, and if the person to whom the letter was directed did not choose to pay for it, he did not receive it; but in this case, endless dispute and litigation would be promoted. If the principle of letting taxes to farm was once admitted to be a good mode of collecting the revenue, it was equally applicable to any other tax as to this. The letting by bidding, as was proposed in this case, by no means took away the preference, if any was wished to be given; the security of a favoured person might be approved, and those to whom partiality was not to be shewn, might be declared insufficient. There were even in a public letting innumerable ways of forwarding the success of one and preventing that of another. But admit only the principle of letting the revenue, and it did not follow that a public letting  
was





was always to be adhered to, it might (if it accorded with the inclination of the Minister) be said, more might be obtained by private than by public agreement, and that the Minister of Finance is to make every tax as productive as possible, by such means as appear to him best; this opens a door for corruption, and jobs of every description, and there is no influence that can be practised on an individual, nor any pillage of the public treasure that is not liable to be established upon this maxim. There is no length of time to which it may not be argued as adviseable to extend the contract, nor any sum, however low, at which it may not be stated, that a new tax ought to be let. One observation as to this particular tax, he said, he must make; the very foundation on which the Bill was built, namely, that the tax was evaded, had never been established, the produce had increased annually, and the last year amounted to one hundred and fourteen thousand pounds. So that the posting of the kingdom must have amounted to four hundred and fifty-six thousand pounds, which was as much as could be supposed, and he apprehended as much as could have been expended in that mode of travelling only. That there might be some small evasions possible, though he was not able to trace any, but he was sure those evasions were by no means equal to the money the farmer would gain, over and above what the Public Treasury would receive. No Minister, he said, had ever attempted so bold and dangerous an experiment; no man, But the Right Hon. Gentleman, he was sure, had rashness enough to embark in such a scheme.

Mr. Wil-  
braham.

Mr. *Wilbraham* contended, that it would have been kind and proper in the Minister to have humoured the national prejudices. That the prejudices of the people clearly went against the idea of farming any part of the national revenue, and as those prejudices were known and avowed, it was the duty of the Right Hon. Gentleman to have adapted his measures accordingly. He contended likewise, that there was an essential distinction between the payment of a tax being evaded by those, whom the legislature





Legislature intended to pay it, and its being fraudulently held back from the Exchequer by the Collectors. In the present instance, it was not pretended that the public did not pay the tax, and consequently it was hard to inflict upon their shoulders what they considered as a galling and vexatious mode of collection, where they certainly were not at all to blame.

Sir *Richard Hill* said, as he had fully delivered his sentiments Sir R. Hill. in favour of the Bill, on a former occasion, he would not trespass but a very few minutes on the time of the House; but he rose to express his satisfaction that the Bill was so near passing, and to congratulate the House, that the farming a single tax had not operated like a *raw-head and bloody-bones*, and terrified Gentlemen from supporting a wise measure, under the idea that it was meant as a prelude to putting the whole revenues of the kingdom out to farm, as was the practice in France. Sir Richard declared, he was at a loss to account for the easy way in which Gentlemen had made up their minds, since the last debate. On the question for going into the Committee upon the Bill, the House had been divided without a syllable being said upon the subject; and as Gentlemen were present whose faces he had not seen, either on the first or second reading, or in the Committee, he wondered where they got their intelligence respecting the Bill, unless they received it from the Post-Horses that brought them to town, who, being parties interested, had, like Balaam's Ass, suddenly possessed the gift of speech.

Sir *John Miller* said, it had been his intention to have Sir John Miller. given an opinion upon the subject of the present Bill in an earlier stage of its progress; but that having now heard the different objections that had been made to it, and being satisfied in his own mind of their feebleness and unsubstantiality, he should offer his sentiments upon each of them as they should occur to his mind. But first, he should take notice of a quotation from Montesquieu, brought forward by an Hon. Gentleman, in general objection to the farming any part of





the revenue, upon the first day the present Bill came before the House, which he desired to read as part of his speech, and which Sir John having accordingly read, he added, "so far the Hon. Gentleman (Mr. Dempster) applies his quotation properly, but had he only taken the trouble to have read the paragraph that immediately followed in the same page, he would find it contained the most powerful argument that had been adduced in favour of the Bill now before us, where Montesquieu says, "I acknowledge it is sometimes of use to farm out a *new duty*, for there is an art in preventing frauds, which motives of interest suggested to the farmers, but which Commissioners never think of. Now the manner of levying it being once established by the farmer, it may safely be afterwards entrusted to a commission." Sir John submitted to the House if Montesquieu was not in this place a most powerful advocate for the present Bill. He then went on to say, that the first objection stated to the Bill was, that "no frauds had been proved to have been committed by the present collection of the Post Tax. He had himself frequently asked in travelling to have the ticket in his own possession, which had been always refused him; the same had happened to many of his acquaintance, and he had repeatedly observed postillions pass through turnpikes, without producing, or being called to for a ticket. He had heard at other times the postillion say, "I have forgot my ticket," "Well, bring it with you the next turn, (said the turnpike man) that will do as well." Has this not been the case also, with almost every Gentleman that hears me? and does it not hold forth the strongest possible presumption of fraud and collusion?

Another objection has been, that "Farming the Tax would not increase the present public income." This objection stands self-refuted, inasmuch as the Tax is to be put up to auction at the highest rate it has ever produced, which may fairly be called playing upon velvet for the public. The public cannot therefore lose; it may gain, and I am satisfied its gain will be

very





very considerable ; nor have I a doubt but that the 17,000l. per annum, stated from authority to be the price of its collection, will be regarded as nearly an adequate compensation to its future Farmers ; and I do believe men will bid sanguinely, from an expectation of a future advance in this tax, upon account of the late Treaties and other promising public prospects, as turnpikes have been frequently let so high as to prejudice considerably their takers.—It has also been alledged, that “ the farming this Tax was an innovation.” I generally find all modern innovations to be modern improvements ; and in that light, and in that light only, the proposed alteration strikes me to be an innovation. Was not the Reformation an innovation ? Was not the Revolution an innovation ? Is not the present general spirit of toleration through Europe an innovation upon the bigotry and intolerance of Popery Was not the late Consolidation of the Customs and Excise an innovation ? Was not the application of a million surplus of the national revenue, to the gradual liquidation of our public debt, a very extraordinary and a very unexpected innovation ? And, to descend to smaller matters, was not the first introduction of forks, which took place in James the First’s time, an innovation upon the practice of our ancestors, who, till that period, made use of their fingers only at meals ?—“ That it would be a bad precedent.” We are not, in these enlightened days, I trust, to rummage over old books, and musty rolls and records, for precedents to do that which shall appear to us to be beneficial to the public, when such is our object, and within our attainment. If we cannot find a precedent, let us make one our cotemporaries will approve ; our successors will be obliged to us, and will adopt ours, if they like it ; if not, they will make one for themselves, and for those who shall follow them.—“ That it was unconstitutional,” which is merely saying, that the name of Farmer of the Revenue is unconstitutional. How is it unconstitutional ? In what is it oppressive ? Can it





be oppressive to continue, as has been hitherto done, to collect the whole of the tax from the public? The tax itself is exactly ascertained; the Bill gives no new powers; it lays no new tax upon the subject; it merely alters the mode of collection of what the public already pay; it will prevent those abuses by which the present collectors, in consequence of an understanding and connivance with each other, may rob and defraud the public for their own emolument; it will have the first and best quality of a tax under the present Act, that of taking as little as possible more out of the pockets of the public, than it returns into the Treasury of the State. In regard to its being a precedent, we have been informed, I believe with much truth, that there are very few branches of British revenue to which farming is at all applicable. I own, I am sorry to hear it; for if this mode proved salutary, commodious and productive, I, for one, should wish to apply it, wherever it could be applied advantageously for the public; however, that not being the case, there is little ground for the present alarm upon the score of precedent.—“That this mode of collection would be oppressive.” Where the tax is exactly ascertained, and must be paid, and where the laws admit of no discretionary powers, so as to make the Farmer his own judge, there can be no oppression; he collects it in mode and quantity just as it is collected at present, and can collect it no other way. In despotic countries, the subject is left to the mercy of the Farmers of the Revenue; the necessities or extravagance of the Prince obliges him to press and anticipate upon the Farmers of this Revenue, who make him advances of money, upon express condition that he abandons to them all power and authority for the enforcing and collecting the revenue in such manner as shall seem most for their own emolument, and of course the most oppressive to his subjects. Is there any similitude discoverable between the two cases? Surely none the most distant.—“That it would increase the power of the Crown.”

A cu-





A curious argument this: a few Farmers of the *Post-Horse Tax*, who bid at public auction, under sanguine hopes of benefit, incited perhaps by envy and competition for a situation which they may not hold beyond a short limited term, and by which some of them may possibly find themselves losers, will augment the power of the Crown! This objection will endure the test that I can apply to it. The Romans, who rose to the utmost heights of civil and military eminence, adopted whatever they found preferable to their own, in manners and customs, in the arts of war and of peace, amongst the nations with whom they had any kind of intercourse. This, says Montesquieu, was one of the chief causes of their power and prosperity. Great Britain has adopted from the French and Germans, and other monarchical powers, not only every thing she knows of the art of war, but even the very terms of fortification and of the military science which we use, and which cannot be otherwise expressed by our own language, than in those terms that are foreign to us. We have also had the wisdom to adopt, and to make our own (though indisputably the first marine power in the world, many naval improvements from the ships we have captured from France. And our constitution, the very best of which the human imagination could ever form an idea, is a mere selection from the different forms of government known to mankind, from all which we have adopted what was good, and rejected what was bad. Why not then continue to adopt whatever other nations excel in, and leave their abuses to themselves?

Sir *Gregory Page Turner* lamented the necessity that impelled him, for a second time, to differ from his Right Hon. Friend the Chancellor of the Exchequer, of the good intention of whose measures in general no man, he said, could be more thoroughly persuaded than himself; but <sup>Sir G. P. Turner.</sup> the proposed plan of farming the *Post-Horse Tax* appeared to him to be highly objectionable, as well on account of the unconstitutional ten-





dency of the precedent, as for other substantial reasons. Sir Gregory pointed out the clause, allowing the Farmers of the Tax to vote at elections for Members to serve in Parliament, as a clause peculiarly improper, and stated why he entertained such an opinion. He said, he was always happy when he could make the House laugh, but that he was serious in his opposition to the Bill, though he felt extremely sorry to have occasion to differ from the Right Hon. the Chancellor of the Exchequer.

The House divided, *Ayes* 116, *Noes* 56.

Mr. Joliffe. After the Bill had been read, Mr. *Joliffe* brought up his clause, which was rejected.

Mr. Powys. Mr. *Powys* then stated some objections to the clause, warranting the Attorney General to commence suits against parties informed against, on the ground of their having acted fraudulently, and expressed his fears lest that power might be abused, and exercised vexatiously and oppressively.

Mr. MacDonald. The *Solicitor General* took a good deal of pains to convince Mr. *Powys* that his fears were wholly groundless, and that, as in general it would, from the multiplied periods of the Innkeepers payment of what they collected of the duty, be scarcely possible for them to have any sum of the public's money, to a larger amount than thirty pounds, in their hands at a time, it was not in the least likely that any Attorney General should, even if they felt an inclination to harass the Innkeepers with vexatious prosecutions, have an opportunity of indulging it.

Mr. Powys. Mr. *Powys* was satisfied, and did not press his proposed alterations.

The Bill then passed.





*Monday, May<sup>o</sup> 14.*

REPORT ON EAST-INDIAN BUDGET.

The Order of the Day having been moved and<sup>o</sup> read, for the House to take into their further consideration the Resolutions of the Committee on Indian affairs,

Mr. *Hussey* rose and said, he would not have given that<sup>Mr. Hussey.</sup> House any trouble upon the subject, but that he wished to state a few observations relative to the amount of the Bengal debt, founded upon Lord Cornwallis's letter, which he thought very plainly proved that Monday last had not been that *proud day* for this country that the Right Hon. and learned Gentleman had stated it to be. Mr. Hussey declared, he had read Lord Cornwallis's letter with great attention, and that it gave a very clear and fair account of the state of affairs in India, but that it was obviously written with great caution, to guard against its being considered as conveying a very favourable impression of the state of affairs in that quarter. Mr. Hussey proceeded to argue from figures, as they stood in Lord Cornwallis's letter, that the amount of the debt of Bengal was much more than Mr. Dundas had stated it to be. He contended, that it was nine crores of rupees, or nearly nine millions of money, exclusive of the sum which Mr. Dundas had supposed was to be deducted from it, on account of part of the debt having been paid off in the course of the past year. After stating very fully the grounds on which he formed this opinion, Mr. Hussey declared, he could by no means agree that the statement of the true situation of affairs in India made a *proud day* for this country, but very much the contrary.

Mr. *Dundas* complimented Mr. Hussey on having done what<sup>Mr. Dundas</sup> it was his undoubted duty, as a Member of Parliament, to do, *viz.* to examine scrupulously every account or statement that





was laid before that House, and to reason upon it, wherever he thought he saw reasonable ground of objection. But, in his ideas relative to the debt of Bengal, he could not, Mr. Dundas said, help thinking the Hon. Gentleman was mistaken. Mr. Dundas then went again over that part of his former argument that referred to the debt of Bengal, and maintained that he had stated it fairly, when he had before stated it at considerably less than nine millions.

Mr. Francis. — Mr. *Francis* rose next, and stated, that his objection to an article in the Bengal estimate of 1786-7, was this:—that the charges of collecting the land revenues stated only Sicca rupees 39.82.688, whereas he found that, by the last actual account received, namely, that of 1783-4, the same charges were stated, as incurred, to be Sicca rupees 71.29.094. That he was too well acquainted with estimates, to place any confidence in them, especially against actual accounts. That therefore it appeared to him, that the estimate under-rated the charge to the amount of the difference between the above two sums.—Mr. Grenville's answer, which he had accompanied with many expressions of his admiration of Mr. Francis's ignorance, and suspicions of his veracity, was to this effect: That the charges of collection of the Land Revenue, in 1783-4, included the charge of collecting the Government Customs, and also all the Stipends, &c. payable by the Resident at the Durbar, which two articles are stated, in the estimate of 1786-7, at Sicca rupees 22.30.613; and that, if he would add but the four sums, of which the charge under the head of Revenue Department is composed, he would find that they amounted to his own sum of 71 lack odd thousand Sicca rupees. Now the fact, on which Mr. Francis received from the three Ministers who govern India the grossest contradiction, was this, —the charges of Collection do not include either the Government Customs or the Stipends, nor ever did. To prove this, he produced the estimate of 1784-5, which contains a distribution,





bution, or particulars, of the whole charges of the Revenue department, *viz.*

				<i>Sicca Rupees.</i>
1. Charges of Collection	-	-	-	71.63.236
2. Resident at the Durbar	-	-	-	20.80.000
3. Committee of Customs	-	-	-	4.75.000

Total 97,18.236

whereas the three India Ministers, by the mouth of Mr. Grenville, formally and deliberately assured the Committee, that the two last articles were provided for in the first. The conclusion was, that, in so material an article as 750,000*l.* charged for the collection of a Land Tax that hardly nets two millions, they did affirm that that charge included a sum of .250,000*l.* which it did not include.

Mr. Dundas said, the Hon. Gentleman now held a different Mr. Dundas. argument from that he had maintained before; for he had said on Monday se'nnight, that which, if he had repeated it then, he should have contradicted as fully, and exactly in the same manner as before. How was it possible, Mr. Dundas asked, that he should be mistaken, when he had held in his hand his own letter, containing the very statement to which he had referred. He read an extract from that letter to the House, to convince them of the propriety of his former argument.

Mr. Francis rose again, and said, Mr. Dundas, in estimating Mr. Francis. the future Land Revenue of Bengal, took it upon an average of the collections of three years, *viz.* 1781-2, 1782-3, 1783-4. Mr. Francis objected to this mode, and said, it was unfair to go back to those years, and pass by the two last years, *viz.* 1784-5 and 1785-6, in which the collections had fallen short of those of the preceding three. The answer was, that they had no accounts of the two last years. Why not? What sort of rule and discipline do you hold over the Government of Bengal, if it be true that the India Company, on the 7th of May, 1787, have no account of the collection of the revenues of Bengal

later





later than to April 1784? But, in fact, you have an account, though not the regular one, yet sufficient for the present purpose. By this account, signed by the Auditor of Indian Accounts, it appears that the gross

Collections of the year, ending in April 1785,

were - - - - - S. R. 250,42,381

Ditto for 15 months, ending 31st July 1786 - 245,42,108

If, therefore, the sum be deducted for charges of collection, which they amounted to in the preceding year, *viz.* 71,29,094 Sicca rupees, the net collections of the two last years will stand thus :

One year, of 12 months, to 30th April 1785 - 1,79,13,287

One year and three months, to the end of July

1786, deducting 15 months charges - 1,46,30,741

Whereas the Bengal estimate, of 1786-7, pro-

mises a net receipt of - - - 2,14,43,617

Thus—Gross collections, estimated at - S. R. 2,83,79,420

Deduct, allowed for balances - 20,00,000

Ditto, charges of collection - 39,82,688

Ditto, Adawlets - - - 9,54,115

69,36,803

2,14,43,617

Mr. W. Pitt. The *Chancellor of the Exchequer* recapitulated what had been, as he understood them, the arguments of the Hon. Gentleman, and the answers of his Right Hon. Friends, on Monday se'en-night, and contended that, on each of the two points to which the Hon. Gentleman had referred, he had been completely answered, and told that the expence of Durbar Courts, Adawlets, &c. made a part of the charges of Collections, which they undoubtedly did.

Mr. Hufsey. Mr. *Hufsey* read some few extracts from Lord Cornwallis's letter, by way of illustrating his former reasoning.

EXPLANATION.





## E X P L A N A T I O N.

Lord *Hood* rose to call the attention of the House to a matter Lord Hood.  
of personal reflection, and therefore the sooner it was cleared up  
the better. His Lordship said, an Hon. Gentleman [then op-  
posite to him] had on Wednesday last used an expression in de-  
bate, which had been considered as an insinuation that he had  
not done his duty in the action of the 12th of April, 1782. If  
by saying that he had been a *spectator* of that action, the Hon.  
Gentleman had any such meaning, he should be glad he would  
explain himself, because in that case it was not more an infinua-  
tion against him, than against the Noble Lord who commanded  
in Chief, since if the fact were, that he had not done his duty,  
the Noble Lord was bound to have brought him to a Court  
Martial, and made an example of him on the spot.

Sir *James Erskine* rose, but was interrupted by a Member,  
who spoke to order, and said, he had witnessed so many of the  
disagreeable discussions, that such sort of conversation led to,  
that he hoped the matter would not be taken up by any Gentle-  
man but the Noble Lord and the Hon. Gentleman who had  
made use of the expressions alluded to.

Sir *James Erskine* declared, he meant to speak to order. He Sir James  
then declared his extreme surprize at hearing his Hon. Friend Erskine.  
called upon to give an explanation of an expression, which he  
had amply and completely explained, the very day on which he  
had made use of it.

Mr. *Wyndham* argued in like manner, and contended, that it Mr. Wynd-  
was disorderly, and contrary to all regular practice to call upon ham.  
an Hon. Gentleman to explain an expression that he had let fall  
in the course of debate, four or five days after that debate had  
taken place; but, in this case it was singularly wonderful, be-  
cause his Hon. Friend had directly, upon his being called to or-  
der, done away the possibility of its being supposed, that he  
meant to convey any insinuation to the prejudice of the Noble  
Lord's character, or professional reputation, by declaring, in  
express





express and unequivocal terms, that he had no such intention, as some Gentleman had hastily imagined, he entertained, when he had said the Noble Lord had been a *spectator* of the celebrated action on the 12th of April, 1782. Mr. Wyndham confessed, when his Hon. Friend had let fall the expression, it had struck his ear as meant to convey an unpleasant insinuation, and therefore he had felt great pleasure in hearing his Hon. Friend do that of himself which he meant to have advised him to do, viz. disavowing an intention of making any insinuation whatever to the prejudice of the Noble Lord's gallant conduct; but Mr. Wyndham said, he could give another proof both to the House and to the Noble Lord, that his Hon. Friend had been sincere in his disavowal of any such intention, and that was, his Hon. Friend's expression of the utmost anxiety to him, in private, on the day of the debate, that such a construction should have been put upon his words, as he saw had been entertained by the other side of the House, and a declaration that he had intended no such meaning himself.

The Speaker The SPEAKER stated the Order and Usage of proceeding, when any improper or offensive words were spoken in the course of debate to be, for those words to be immediately taken down, and a proceeding had upon them before any other business or question was debated, but that it was irregular, when the words had not been complained of at the time, to enter into discussion of any expression that had fallen in the course of debate, three or four days afterwards.

\* Mr. Burke. Mr. *Burke* made a similar defence of Mr. Courtenay with Mr. Wyndham, and begged leave to add, as a man of honour, that Mr. Courtenay had, on the very day of the debate, when the expression in question escaped him, declared to him, that it was an accidental lapse of speech, into which he had been betrayed by hurry; and that instead of *spectator* of the action of Lord Rodney, he meant to have used the word *participator*, but that the other word dropped from him inadvertently. Mr. Burke added, that no man could appear more hurt than his Hon. Friend





Friend did, when he found the construction that a part of the House had put upon it, and that he expressed great uneasiness to him on that account after he had done speaking. Indeed it was impossible that his Hon. Friend, whose wit was not greater than his justice, nor more prominent than his good humour and even temper, could have intended offensively to throw out any thing injurious to the character of the Noble Lord, to whose exertions the country stood so highly indebted, and whose merit that House had recognized in a manner the most flattering to honest pride. Mr. Burke spoke of the Noble Lord's behaviour on the 12th of April, 1782, declaring that it dignified the title which he wore. After many other very handsome things of his Lordship, Mr. Burke repeated his assertion, relative to Mr. Courtenay's declaration to him, that he had not meant to throw out any imputation prejudicial to the Noble Lord's character.

The Member who had called Sir James Erskine to order, rose again, and said, if Mr. Courtenay, whom he had the honour to be acquainted with, and knew to be a man of honour, did not himself feel it to be necessary to say any thing more upon the subject, he thought the conversation ought not to continue.

The *Chancellor of the Exchequer* said, that he should take care Mr. W. P. &c. not to be disorderly in what he had to say, for he would conclude with a Motion, and that a Motion which, if the Hon. Gentleman who had been the cause of the present conversation, had any intention of casting an aspersions on the character of the Noble Lord, would give him an opportunity of doing it fairly and manfully, and not by indirect and covert insinuation. He admitted that the loud and general indignation excited in all parts of the House, a few nights ago, at the suspicion that an imputation had been hinted to the prejudice of the Noble Lord, who so justly stood in the highest rank of public esteem and gratitude, and against whom any imputation would be a reflection on that House, which had made him the object of a public vote of thanks, and on his Majesty who had bestowed upon him a distinguished mark of his favour, for his eminent  
and





and memorable services. He admitted that the expression of this general indignation and astonishment in the whole House, had drawn from the Hon. Gentleman some sort of explanation on the subject. But those who knew that Hon. Gentleman, would know that it was no very extraordinary supposition to be entertained, that that explanation, though in terms it might appear an apology, might in fact be meant rather as an aggravation than an extenuation of the injury—it appeared, however, from the assertion of two friends of the Hon. Gentleman, that he himself had declared to them, that he was sorry he had used the expression. Why not then say in public what he had already said in private? The Hon. Gentleman would have an opportunity now, in consequence of his Motion, of saying for once whether he was serious or no, and if he had nothing to state to substantiate an insinuation against the Noble Lord, at least to give a retraction of that which he was supposed, and which he had supposed himself to have made. The Motion he should make, would be first, that the vote of thanks of that House should be read, and afterwards that it should be reprinted in the Votes of that day.

Mr. Fox. Mr. *Fox* declared, he had no objection to that Motion, but would support it, having on every occasion, notwithstanding any little political differences of opinion, that might prevail between the Noble Lord and himself, uniformly expressed his sincere satisfaction in having been himself happily the person to move the vote of thanks, in that House, when he had the honour to stand in a particular situation. Mr. Fox said, he knew those thanks to have been highly merited, and so far from having any objection to the proposed Motion, it would in his opinion do good, by refreshing the minds of all ranks of people of the gallantry of the officers, whose names were inserted in the vote of thanks, and of the very great obligations the country owed them. With regard to his Hon. Friend however, Mr. Fox said, he could not help thinking he had been rather hardly called upon. For what was the real fact? His Hon. Friend had let  
fall





tall an expression to which a meaning had been annexed foreign from that which his Hon. Friend intended it to convey. The instant his Hon. Friend finds the construction that had been put upon it, he rises voluntarily, and in a manner that must have satisfied every man who heard it, declared he had not intended to suggest or insinuate any thing derogatory to the reputation, or professional conduct of the Noble Lord in question, and yet he is called upon, at four days distance, to explain his meaning over again. He might as well be called upon the next day to repeat his explanation a third time, the day after a fourth, and so on to the end of the session. Besides, Mr. Fox observed, there was something so *peculiarly* conciliatory about the Right Hon. Gentleman, that he wished to know, if he himself thought his talking of retractation and his manner of animadverting on his Hon. Friend's mode of speaking, was very likely to incline his Hon. Friend to rise more than he felt inclined to rise before? He added a few more allusions to the little tendency to conciliate, that there had been in Mr. Pitt's speech, and after something still farther complimentary to Lord Hood, sat down.

The *Chancellor of the Exchequer* declared, that he had not meant to be conciliatory in what he had said, for he looked upon it, that motives of private honour alone ought to be sufficient to induce the Hon. Gentleman to make that apology personally, which his friends had thought proper to make for him, and which, though it was necessary for his own credit and reputation, could in reality affect the Noble Lord no more than the insinuation that had fallen from him had or could do. He was not a candidate with the Right Hon. Gentleman for the Hon. Gentleman's friendship, but he left it to the House to judge which acted most like a friend, he who recommended to him to make an apology, which could do honour to none but himself, or the Right Hon. Gentleman who encouraged him to remain silent and acquiesce in the suspicion of having made an insinuation, by which, if he had indeed made it, none but himself could suffer.

Mr.





Mr. Fox. Mr. *Fox* rose again and said, the Right Hon. Gentleman's not envying him the friendship of the Hon. Gentleman, who sat near him, could only be owing to his not having the happiness to know him, and thence to have learnt the value of the friendship of a man of his Hon. Friend's integrity, and many virtues.

Lord Hood. Lord *Hood* rose again and said, the fact was, that he had not heard the expression himself, as he happened to be moving from his seat when the word was used; nor was it till the next day that he knew the nature of the sort of attack that had been made upon him. He had then come down meaning to call for an explanation, but he found the House engaged in a very important discussion, that of the question of Impeachment, and as soon as it was decided, Gentlemen rose altogether and went to the Bar of the House of Lords; and the next day, when he came to the House for the same purpose, the Hon. Gentleman was not present, but came in just in time to divide against the Post Horse Tax Farming Bill, and sat all the time close to the Bar, and when the division was over, he went away; that, therefore, was the first day he had found an opportunity of saying the little he had thought it due to himself to say upon the occasion; had he known that the Hon. Gentleman had declared he did not mean any insinuation against his character, he should have been fully satisfied; but surely the House would not think he had been unnecessarily scrupulous when they considered, that an officer's character was all he had to carry him through the world.

Mr. Burke. Mr. *Burke* rose once more to do justice to the Noble Lord's character, and then the Question was put and carried *nem. con.*

#### COAL SHIPPING REGULATING BILL.

Mr. Brandling and Sir Matthew White Ridley each presented Petitions against the Coal Shipping Regulation Bill, and Lord Mulgrave presented one in favour of it.

Mr. 7





Mr. *Brandling* then moved, “ that the Order for reading the Bill a second time the next day be discharged,” intending to follow it with a motion that the Bill be read a second time on Friday. Before which day he said it would be impossible for the Counsel of those of his constituents who had signed the Petitions, to be prepared upon the subject. He trusted, therefore, that such an appeal to the candour and justice of the House would be successful.

Lord *Mulgrave* said, when a man of the Hon. Gentleman’s respectable character declared it would be impossible for the Counsel of the Petitioners to prepare themselves to oppose the Bill before Friday, it was not possible to resist the Motion for discharging the Order, and agreed that the Bill should be read a second time on Friday; but then his Lordship said, he hoped the Hon. Gentleman would not attempt any more delay, but would in a manly candid manner, consent, that if they could not prevail by argument, and persuade the House to throw out the Bill, that the Bill should go immediately into the Committee and proceed through the other stages of it with all reasonable dispatch, and not be attempted to be got rid of by any reasoning on the advanced period of the session. His Lordship said, though the Bill came in as a private Bill, it was of very great public importance, and much depended on its passing into a law this session, no less than whether some hundreds of British seamen should be turned adrift, and a great number of Coal-ships unemployed.

Sir *Matthew White Ridley* spoke against the Bill, as likely to create fresh dissensions and animosities at Newcastle, where they had lately prevailed in so alarming a manner that the aid of the soldiery was found necessary to preserve the peace. Sir Matthew said, the circumstance of there being counter and cross Petitions signed by such respectable men as those whose names were subscribed to each of the Petitions, would prove not only the very great importance of the Bill, but the sort of contention that was likely to arise, and the mischievous consequences that





would in all probability ensue, if an hostile Bill were forced down the throats of the parties concerned, by the strong arm of power, and the determined exertions of Government. [Upon Mr. Pitt's looking with an air of surprize at this expression] Sir Matthew said, if he had gone too far in relation to the interference of Government he would afterwards explain to what he alluded, but sure he was if the Noble Lord would consent to print the Bill after the second reading, and let it go over to the next sessions, an amicable Bill might be chalked out, and in that case every desirable effect would follow, but otherwise he saw no prospect but that of reviving animosity and dissension.

Mr. W. Pitt. The *Chancellor of the Exchequer* observed, that whatever difference of opinion there might be on the general subject of the Bill, yet on the present question all parties seemed agreed; namely, on the propriety of deferring the second reading till Friday. For his own part he confessed he was not prepared to determine one way or the other on the merits of the Bill; but he was certainly of opinion, that it ought not to be pushed forward at so late a period of the session, unless either there was an actual and immediate necessity, or unless it was clearly and evidently unobjectionable. What he principally rose for, however, was to take notice of an expression which fell from the Hon. Baronet, intimating, that it was an object of Government to press the Bill; he could assure the Hon. Baronet, that it was by no means an object of Government, nor did he, for his part, take any interest whatever in the business, beyond that which he should feel on every other subject, in which the interest either of the whole or any part of the country was involved.

Mr. Brandling. Mr. *Brandling* spoke again, and, in the course of what he said, declared that the great encrease of the Coal Trade, and the situation of it at present, did not portend any probability of a number of seamen being turned a-drift the ensuing summer, in case the present Bill did not pass this session.

Lord





Lord *Mulgrave* rose again and said, the very argument the <sup>Lord Mulgrave.</sup> Hon. Gentleman had used against the<sup>o</sup> Bill's passing the present session, was an argument in favour of its passing with as little delay as possible, and he would explain his meaning by a single illustration. The subscribers to the Petition, that he had delivered in favour of the Bill, were all of them men who would be contented with making seven or eight voyages to and from London and Newcastle in a year; but in consequence of the<sup>o</sup> laws in existence not being sufficiently efficacious to answer their own objects, a partiality was shewn by the coal owners to certain favourites, who were thence enabled to make thirteen voyages a year, and if that practice continued, a great number of the coal ships must be obliged to quit the trade, and consequently very many seamen must necessarily be turned out of their employment.

After some farther debate, the Order for reading the Bill a second time this day was discharged, and a new Order made for the Friday following.

#### COMMISSIONERS OF ACCOUNTS.

Mr. *Dempster* observed, that there had been <sup>Mr. Dempster.</sup> no money voted in the Committee of Supply for the Commissioners for inspecting Public Accounts, but only a small sum for their Secretary. He was sorry to find this was the case, as it augured that a commission which had had such good effects was likely to be discontinued.—If this however were to be the case, he hoped that the commission would not be dissolved without making a sufficient compensation for their time and trouble, to those Gentlemen who had executed it with so much honour to themselves and benefit to the public.

The *Chancellor of the Exchequer* said, that the Commission <sup>Mr. W. Pitt.</sup> was to be discontinued, because the business for which it was appointed was concluded, and the reason for not voting the money for the reward of their great and useful services in the Supplies was, because as their duty was completed, it was right





that they should receive their full remuneration, and not as heretofore only a part of it on account; he therefore intended, before the end of the session, to move an address to his Majesty for that purpose.

C H A R G E   A G A I N S T   W A R R E N   H A S T I N G S, Esq;  
M I S D E M E A N O R S   I N   O U D E.

The Order of the Day having been read for the House to resolve itself into a Committee of the whole House on the Charges against Warren Hastings, Esq; the Speaker left the chair, and Mr. *Saint John* took his seat at the table.

Mr. *Burke*. Mr. *Burke* then rose, and began with expressing his hopes that he should not have occasion to detain the House long, as they had at length arrived to the important period, that made matter of common opinion, that wherever a charge upon the face of it wore the features of criminality, it would be wiser to submit it, when matured by the Secret Committee in the shape of an Article of Impeachment, to the investigation and decision of the House of Lords, than to spend much of the time of that Committee in inquiring minutely into the particular facts contained in it. He had last week impeached Warren Hastings, Esq; of High Crimes and Misdemeanors, and he had that day, Mr. *Burke* said, had the honour of delivering at the Bar of the House of Lords the Articles of Impeachment, a circumstance that did that House the highest credit, and at the same time rendered it the less necessary for him to trespass long on the patience of the House, on the present extremely long charge, as it stood upon their table. He should, however, merely state the principal points of it, in a summary way, to shew that it contained criminal matters, and then move the general question upon the whole. With regard to several of these facts, Mr. Hastings had himself saved him and the Committee much time and trouble, by admitting them in his defence, and particularly all the Charge contained relative to the distress of the Province of Oude, and the confusion of the Nabob





Nabob Vizier's affairs. He should therefore charge the said Warren Hastings with having been the cause of that decay, distress, and confusion; he should charge it upon the British Government of the Province, exercised under the direction of the said Warren Hastings, and prove that it was owing to a military force being established in the Province, unconnected with the Government, and not subject to the controul of the Nabob, and to the appointment of the British officers to collect the Revenues. He said, he would charge the said Warren Hastings with making treaties for the professed purpose of remedying evils, but by them aggravating the same; with having and employing secret agents to counteract all good measures; with making contradictory charges against the British Resident at Oude; with ordering a native Collector to be murdered; with afterwards letting a large territory to farm to Almas Ali Khan for six years; with laying snares and traps to deceive and ensnare the British Resident; with pretending to pay the Nabob's debts, which were never paid, and with an infinite variety of other criminal facts, which Mr. Burke read from a paper on which he had extracted the great outlines of the Charge. After going through the list, Mr. Burke said, he thought it necessary to say thus much, out of respect to the Committee, and he had avoided saying more, in order to accommodate himself to the season, the wishes of Gentlemen on all sides, and the propriety of the particular case. Having added a few cursory observations, he moved the usual Resolution, that the sixteenth Article contained matters of Charge of High Crimes and Misdemeanors against Warren Hastings, Esq.

Major *Scott* said, he did not mean to divide the Committee upon the present Charge, or to detain them more than four or five minutes; in fact, as the friend of Mr. Hastings, he should rather wish that the present Charge went up to the Lords, because he was conscious that where criminality was alleged, infinite merit would appear;—but as a Member of the British

Major *Scott*,





House of Commons, he held it his duty to tell Gentlemen, that he held a letter in his hand, which so clearly and pointedly explained the cause of all the distresses that had been felt in Oude, that he should hold himself culpable if he did not communicate it to them. The letter, it was true, was before the House, but he believed that in common with very many papers of infinite importance, this letter had been perused by very few indeed of those who had voted for the Impeachment of Mr. Hastings. The Major said, he joined issue with the Right Hon. Gentleman in all he had said, as to the distresses of Oude, but he contended that all these distresses were occasioned by a system, which Mr. Hastings had not only opposed on its establishment in 1775, but had actually prophetically foretold, as was very sensibly noticed by Mr. Dundas in the Fifth Report of the Secret Committee at the time the measure was adopted by General Clavering, Colonel Monson, and Mr. Francis, in opposition to the opinion of Mr. Hastings.

The Major here read the following extracts from Mr. Britton's letter, dated Lucknow, January 22, 1777.

“ The Ministers have often represented to the Vizier his situation, but without effect; for though he may have been convinced at the time of the necessity of a reform, yet his turn for expence will render it a most difficult task to bring him to abide by any regular system. Besides this reason, there is a very principal one arises from the opposition his Ministers meet with from Imaum Bueck, Tipper Chung, and the favourite Tellinga Rajas, who counteract every measure they propose for introducing good order and œconomy. The characters of his Excellency's favourites I explained to the Honourable Board in my letter of the 21st August last, and am ignorant of any change having happened in his sentiments towards them.

It appears to be his plan to entrust to the Tellinga Rajas, the management of any farms that may in future fall vacant. I dread the bad consequences that must ensue; for it needs little judgment to penetrate into the conduct of men of low births, without





without either education or abilities, and whom I may safely declare totally unfit for the charge of government. The country already feels the effects of their violence, and the Vizier does not receive even a temporary advantage from it; as, whatever they may collect from the country, the payments to him from all the districts fall infinitely short of the former rents.

“ The Ministers, whoever they be, will be constantly perplexed how to act towards the favourites, as their influence with the Vizier places them above controul, and likewise enables them to obtain extravagant allowances for the charges of collections, as well as great deductions for the failure of crops, deserted lands, and other various pretences void of foundation. These men themselves, I am told, doubt the permanency of their situations; they are sensible of the general disgust which prevails against them, and that, on any change of Government, they would be the first to feel the effects, and therefore are the more earnest to acquire emoluments, without regard to the means.

“ In my address of the 8th of August last, I informed the Honourable Board of the abuses which reigned in the Mint, and of the improbability of their being rectified, owing to the influence of the Manager, one of the principal Tellinga Rajas. I am sorry to observe, that abuses daily encrease; for at this short period of time, from my forwarding the Honourable Board a table of assays, the coinage at some of the mints has been debased near three per cent. Such departments of the Government as are not under the management of the favourites are neglected, and the persons invested with the charge of them exposed to the greatest difficulties. Aumils, whose districts are filled with refractory Zemindars, and require troops to subject them, cannot obtain assistance in proper time; and on this account, I have known great losses often accrue in the revenue. Another great difficulty they labour under is, the assignments granted on them exceeding the rent of the lands

H 4

they





they hold. To many people of influence, who have these assignments, they do not dare to give a refusal, for fear of being injured by them, and they are at the same time unable to comply with their demands; so that I recollect many instances of Aumils, whose attention has been more taken up in making excuses to Tuncawdars, than in the care of their districts. Every Tuncawdar sends a Vackeel, Hircarras, and a number of people, to collect his tuncaw, and, if he has troops under his command, he detaches a party to exact payment from the Aumil: very often troops, whom the Vizier cannot pay at the present, are sent to collect their arrears from an Aumil: they frequently treat him in the most ignominious manner, by confining and depriving him of all sustenance, until he finds means to satisfy them. So considerable an Officer of Government as an Aumil, whose character should be held up to the people in the most respectable light, to be thus disgraced, must not only affect the Vizier's authority, but his revenue, and is so prejudicial, that it will be impossible for the Government to subsist long upon this plan.

“ Another great abuse which prevails, is the contempt with which the Vizier's authority is treated. His orders are ill executed; his perwannas disregarded, even in the neighbouring districts to the capital, unless accompanied by similar ones from the person immediately in charge of the province. In some distant parts of the country, neither his Excellency nor his Aumils are much regarded; the Gurrocpore district particularly, can hardly be said to be under the Vizier's government, as it is held by Zemindars who pay little obedience to the Aumils, and discharge their revenues with great irregularity.

“ On the appointment of the Ministers, I informed the Honourable Board of the advice I had given the Vizier, and the confidence I entertained of their earnest wish to promote the joint interests of their master and the Company; and I have equal reason to believe they are zealous in their duty. Hyder Beg Cawn has shewn abilities sufficient to discharge the  
trust





trust reposed in him; but, curbed and opposed on every occasion as he has been, it is impossible to expect he should have been hitherto able to introduce a reform in the government. I shall dwell particularly on this subject, because I know his attachment to the Company has exposed him to the enmity of all the Court; but I humbly hope the Honourable Board will regard Hyder Beg Cawn as a man to whom their countenance and protection are necessary, as well to support the Vizier's government, as the Company's interests."

The Major then added, I have read this letter to justify myself to the House, for opposing, with a negative only, so nonsensical a Charge as that now before you. We agree as to the distress of Oude, but the Right Hon. Gentleman attributes that distress to Mr. Hastings. I, on the contrary, who have been in Oude myself, who have conversed with almost every man who has served in that country, and who have studied the subject, know that Mr. Hastings foretold the mischievous consequences of the system which his colleagues established, and that he alone has the credit of remedying those evils which they occasioned. Oude is a country which has little trade, and no mines; yet it appears, that since the 1st of Sept. 1773, the Company has received above fourteen millions sterling from the Vizier; of this sum the Company has drawn from the country eight millions and a half sterling; and since 1773, fifty-two Gentlemen, who have been employed in Oude, have returned with fortunes to Great-Britain. I suppose, upon an average, that they have brought home twenty-five thousand pounds each; some may have brought home more; many, to my knowledge, have returned with much less; but as I do not form my calculation at random, I am sure I am tolerably correct. This will make the whole amount of specie extracted from Oude, including the sums sent to Calcutta for the purchase of European exports, at least ten millions sterling.—Is there a man of common sense, who seriously considers this account, that can doubt a moment as to the causes of the distress which





which has been sustained in Oude? I therefore repeat, Sir, that, on Mr. Hastings's account, I rejoice that a Charge so completely nonsensical has passed; but, as a Member of Parliament, I tell this Committee, that they are about to vote a Charge, which, if they gave themselves the trouble to enquire into, they would find is so far from having any foundation in fact, that Mr. Hastings is entitled to infinite merit, for rescuing the Nabob Vizier from the distresses in which he was involved by the majority of the Supreme Council.

Mr. Francis. Mr. *Francis* said, they did not charge Mr. Hastings with being the author of the distress and confusion that prevailed in the province of Oude, previous to his having the direction of its government, but while the direction of it was completely in his power. Mr. Hastings, he declared, had truly said, that Colonel Monson died on the 28th of September 1786, and from that period only he was accountable for any act of the Government of Bengal. That was precisely the fact; and upon the events that followed in Oude from that date, to the day of Mr. Hastings's quitting the Government of Bengal, were they and Mr. Hastings at issue.—Mr. Francis made some other general observations on the Charge, and the facts contained in it.

Mr. Burke. Mr. *Burke* said, in reply to Major Scott, that whether the Charge was nonsensical or not, whether it was founded in folly or fraught with wisdom, was not for them, but for the House of Lords to determine. That tribunal would doubtless examine impartially, investigate patiently, and decide wisely and justly. It was his business to substantiate facts by evidence, and to prove all that he should charge. With regard to Mr. Bristow's letter, he had read it attentively, and he relied a great deal upon much of its contents. With respect to fortunes made in Oude, unless the making of those fortunes should be found to involve in it something of criminality, he should not meddle with them; if it should be found that it did, he should, in that case, most undoubtedly interfere: and as to  
some





some persons having made great, and others small fortunes, if it should turn out that any of the persons of the latter description were highly criminal, it would be matter of dissatisfaction to him, to know that their conviction could scarcely be followed with any other punishment than imprisonment.

Mr. *Dempster* supported Major Scott's arguments, and declared, that Mr. Hastings appeared to him to be far from being the author of the distress and confusion in Oude, that he thought it unworthy of that House to make it a matter of impeachable Charge against him at the Bar of the House of Lords. Mr. Dempster.

At length the Question was put, and carried without a division.

The Report was made immediately, and the Charge referred to the Secret Committee, to prepare it as an Article of Impeachment.

*Tuesday, May 15.*

#### AMERICAN COMMISSIONERS BILL.

A conversation took place, previous to the Speaker leaving the chair to go into a Committee on the American Commissioners Bill, in which Mr. *Dempster*, Alderman *Watson*, and the *Chancellor of the Exchequer*, took part. Alderman *Watson* and Mr. *Dempster* supported the plea, and the *Chancellor of the Exchequer* admitted it, but declared the case required minute enquiry.

Sir *Grey Cooper* said, he rose to speak a few words in behalf of a class of unfortunate American Loyalists, whose hard and peculiar case had not, he conceived, engaged so much of the attention of the House as it deserved and required. Their petition was before the House. He moved, that it might be referred to the Committee on the Bill. Sir *Grey* said, the Petitioners were persons who, during the late unhappy dis-  
fensions Sir Grey Cooper.





sensions in America, and in times of the greatest pressure and urgency, furnished provisions and other articles of supply for the armies and fleets of the King, without any specific contract or agreement ; who let their houses and their barns, their wharfs and their warehouses, for the use and occupation of those fleets and armies, as occasions required ; and whose property and effects were seized in the hour of imminent necessity, and destroyed by order of the Generals or Commanding Officers. The payments for such supplies, and for the use and occupation of such houses and wharfs, and the compensation for such particular losses and damages, ought to have been made in America, by warrants from the Generals and Commanding Officers, and charged to the accounts of the contingencies of the army ; but these demands had not hitherto been paid, either in America or in Great Britain. Soon after the close of the war, the Petitioners applied to the Treasury for relief, on the special circumstances of their case, and it consisted, Sir Grey said, with his knowledge, that it was the intention of the Board, in 1783, that the Commissioners, appointed by the Act of that Session of Parliament, should have been empowered and required to take the case of the Petitioners into their consideration, to examine their vouchers, and to liquidate their demands on the public ; but by the inaccuracy of the words in which the clause was drawn that gives the powers to the Commissioners, it did not, it seemed, comprehend the case of this class of Loyalists. The powers of the Commissioners extended only, as the Act was construed, to those persons who have suffered in their rights, properties and professions, in consequence of their loyalty to his Majesty. Sir Grey said, the object of his Motion, and of the Clause which he proposed to offer to the Committee to be inserted in the Bill, was to remedy the defect of the original Act. He conjured the House, before they rejected this humble request, to pause, and to reconsider the situation and circumstance of the unfortunate persons who appealed to their justice for redress :  
they





they stood in the front ranks of those loyal subjects who preserved their allegiance to the King, and their fidelity to this country, through all the various fortunes of the late unhappy civil war; they were men whom neither example, number, nor the success of the adverse party, could shake in their principles, or draw from their duty. For the sake of the King and Parliament of Great-Britain, they had forfeited and left behind them landed estates and personal property of immense value; many of them had left splendour, affluence, and distinction; most of them the comforts of independent competence, arising from trade or professional situations: they had left a country, which, however it might have used them, they still looked back to with predilection and regret. They brought little or nothing with them across the Atlantic; but the consciousness of the rectitude of their own conduct, and a just confidence in their title to the compassion, succour, and protection of the British Parliament, and in the equity of their claim of such relief and compensation as the country, for which they have lost their all, can *afford* to give them. (Alas! said Sir Grey, no consideration humbles the country more, than the necessity of that word, *afford*!) The unfortunate persons, whose case he was recommending to the attention and feelings of the House, had superadded to the merit of the clearest loyalty, a demand on the justice of the nation. Since they came here, they had suffered, amongst other things, that which wounds the heart of a gentleman, and a man of honour, more than any circumstance that accompanies misfortune,—the pain of solicitation; but they were men who, in suffering all things, had suffered nothing: they did not complain even of delay, but they ventured, with all possible humility and submission, to remind the House of the situation and condition of their affairs. They were duly grateful for the temporary relief and support which many of them had received, and continued to receive, from the public; and they hoped and trusted that the House would consider, and interpret in a favourable manner, the





the motives of their present application, and the anxiety with which they desired, that if the Chancellor of the Exchequer would not give his consent to allow their case to be inserted in the Bill in order to be referred to the Commissioners, some other mode of enquiry might be instituted by the Board of Treasury before the next session of Parliament for the examination of their vouchers, and the liquidation of their demands.

When the Speaker was about to put the question that he leave the Chair,

Mr. Courtenay.

Mr. *Courtenay* said, he rose unapplied to and unsolicited to say a few words on what had been the subject of a debate yesterday. He rose to do that justice to the professional character of the Noble Lord (Lord Hood) which he was precluded from doing, by the acrimonious or rather unhandsome manner in which he had been solicited to do so by the Right Hon. Gentleman (Mr. Pitt.) However inclined he might have been, the style and manner of the Right Hon. Gentleman made his compliance at the moment incompatible with any sense of propriety or decorum, and inconsistent with any sentiment of spirit or honour. Mr. Courtenay begged leave to make a few remarks on the peculiar persuasive species of logick which the Right Hon. the Chancellor of the Exchequer had adopted. The Right Hon. Gentleman thought proper rather contemptuously to disclaim his friendship, yet would fain induce him to desert his friends, by rejecting their advice, and complaisantly adopting the Right Hon. Gentleman's. Mr. Courtenay said, however he might lament the loss of the Chancellor of the Exchequer's *political* friendship, yet the Right Hon. Gentleman would not alledge that he had ever courted it; perhaps, he might justly say, that on some occasions, he had rather studiously declined it, both since the Right Hon. Gentleman was Minister of the Crown (as he chose emphatically to style himself) and when he made a part of a Noble Marquis's administration. It would be readily admitted, Mr. Courtenay said, that a *political* friendship with





with the Right Hon. Gentleman could alone be either enviable or desirable, as from the specimens he so frequently gave of his amiable temper and disposition in the House,—his private friendship, or any intimate social connection with the Right Hon. Gentleman might be easily dispensed with. However, he had some consolation for the loss of the Right Hon. Gentleman's favour, by the support he had received from some Hon. Gentlemen of the most distinguished talents and character, whose friendship he should always consider as the highest honour. Sanctioned by their opinion the preceding day, (which coincided with his own) he had remained silent, and resisted the exhortations of the Right Hon. Gentleman, who, with great professions of cordiality, had advised him to repeat an explanation which he had already made, and which was therefore unnecessary; and at the same time, the Right Hon. Gentleman with his usual felicity of expression and insidiousness of intention, prevented him from complying with a request, urged with affected candour and studied plausibility. Sanctioned by the opinion of those friends, Mr. Courtenay said, by whose opinion he had been directed the preceding day, and at their desire, he rose to do what at his coming into the house he had not the least conception of doing—to repeat that explanation which he had given last Wednesday, that he had not the least intention to throw any reflection on the Noble Lord; the expression was unintentional, and had dropped in the hurry of debate. It would have been absurd, ridiculous, and foolish, Mr. Courtenay said, in him to have hinted any insinuation against the character of the Noble Lord, who stood deservedly high in his profession, in the estimation of his country, and who had received the thanks of the representatives of the people for his services.—One word more, and he should then conclude: The Right Hon. Gentleman had said, it was hard to know when he was serious or ironical; yet the Right Hon. Gentleman, by the resentful and acrimonious manner in which he had expressed himself, seemed still to have retained both his memory and sensibility correctly and feelingly,





feelingly, and to have judged accurately enough when he had been *ironical* at the Right Hon. Gentleman's expense. However, lest the Chancellor of the Exchequer should be at a loss for the future, or should not discriminate with his *usual* judgment, Mr. Courtenay begged leave to assure him, whenever he paid him any compliments personally or politically, the Right Hon. Gentleman might be persuaded that he was ironical.

#### INQUIRY INTO ABUSES AT THE POST-OFFICE.

Mr. Grey. Mr. Grey rose in pursuance of his notice, to make his promised Motion relative to Abuses in the Post-Office, and opened his speech by disavowing any personal motive for his conduct, and declaring, that the higher consideration of what was the duty of a Member of Parliament, impelled him to come forward on public principles, and state the necessity of an enquiry into certain abuses in the Post-Office, that proved the malversation of those who were entrusted with the management of that office. Having thus cleared his way, he proceeded to mention as the first and leading fact on which he grounded his application, (an application which, he declared, he would not have made, had there appeared to him to be any other means likely to be resorted to for the cure of the abuses in question, than a Parliamentary Enquiry) that in the year 1775, a person of the name of Baron, or Barham, who had been agent of the Dover Packet, and was grown old and infirm, applied to the Post-master General for leave to retire, and to be superannuated; leave was given, and Mr. Walcot, formerly of the Post-Office in Ireland, was appointed, upon condition of paying Mr. Barham an annuity. This, Mr. Grey observed, was thus far a fair transaction; but at the same time it was conditioned that 350l. a year more, out of the salary, should be paid annually to Mr. Lees, of the Post-Office in Dublin, to be by him paid to a person no otherwise known than by the letters A. B. This, Mr. Grey said, he charged as a corrupt purchasing of a place, and





and though he fully acquitted Lord Carteret of any motive of personal interest or advantage to himself, from the transaction, yet he charged it as an instance of impure conduct in Lord Carteret, as that Noble Lord could not but have known of it. In justification of Lord Carteret, in respect to his having any personal interest in the transaction, Mr. Grey read part of the letter, or memorial of Mr. Lees to the Post-masters General, in which he states that the person represented by the initials A. B. is wholly unknown to Lord Carteret, but that the person it really means, it would be highly dishonourable in him to name. Mr. Grey commented for some time on this transaction, and then said he would barely state the outline of one or two other facts, sufficient in his mind to warrant a Parliamentary Enquiry. He mentioned here several circumstances relative to different packets, stating that in some instances they were worn out, and vessels not above a third of their tonnage, and with scarcely a twentieth part of their complement of hands on board hired to do their duty, but charged as complete packets to Government. In others again, there were some packets that did no duty for ten months together, and yet were charged as if on full and constant duty. The packets he named in this part of his speech were the Trevor, the Hamden, the Tankerville, and the King George packets. [When he named the Tankerville and said that packet had been out of employ for some months, the House burst into a roar of laughter, doubtless from feeling the allusion between the fact stated, and Lord Tankerville's having been for about the same length of time dismissed from his office of joint Post-master General; and when Mr. Grey said the King George packet had proved a *notorious smuggler*, the same effect was produced on the muscles of the House, from the odd combination of ideas the fact suggested.] After mentioning the above and various other abuses, Mr. Grey proceeded to extend his charge to the Right Hon. the Chancellor of the Exchequer, declaring that Lord Tankerville, while in office, had sat himself attentively upon endeavouring to correct the





abuses in question, had suggested several plans for their prevention in future, and had communicated those plans to the Right Hon. the Chancellor of the Exchequer, had received his commendation for his zeal and attention, and had been promised his support; but as he could not prevail on Lord Carteret to see the abuses in the same light as he did, nor take the same pains to cure and prevent their continuance, the two Noble Lords quarrelled, and it became impossible that they should continue joint Post-masters General. This being the fact, an ordinary observer would have imagined that the Right Hon. Gentleman would not have dismissed the Post-master General, who had shewn himself anxious for a reform, and had taken pains to effect it, but the other Post-master General, who was a protector of the abuses in question, and the opposer of the reform to be desired. Instead, however, of dismissing Lord Carteret, the Right Hon. Gentleman had dismissed his noble relation, Lord Tankerville, and that of a sudden and in a manner the most unexampled and extraordinary. Mr. Grey reasoned for some time upon these circumstances, and said it was clear, there could be no motive for dismissing Lord Tankerville, but that noble Lord's having preferred doing his duty to every other consideration. He conceived, therefore, that the Right Hon. Chancellor of the Exchequer had acted in a manner deserving of censure, and with a view to establish that fact, as well as the other charges against Lord Carteret that he had stated in the course of his speech, he concluded with moving,

“ That a Committee be appointed to enquire into certain Abuses in the Post Office.”

Mr. W. Pitt. The *Chancellor of the Exchequer* rose, he said, not to detain the House long; and certainly not to oppose the Motion of the Hon. Gentleman; a Motion made for an enquiry into abuses stated to exist in a flagrant degree, and which an Hon. Gentleman declared himself impelled by his duty as a Member of Parliament, and not by any private or personal views to make, was such an one as he should, at all times, feel the strongest inclination





clination to comply with, and to which nothing but evident and palpable impropriety could induce him to refuse his consent. But he expected, that if the Motion were to pass, the enquiry intended to be made might be proceeded upon immediately before the end of the Sessions, and be pointed to the proper object of censure, if censure were upon investigation found to be deserved. The Hon. Gentleman had made heavy charges against a Noble Lord of high character and unsullied honour, and had thought proper also to extend his accusation to him, and it would be but a bad method of consulting either his own or the Noble Lord's reputation, to endeavour to shrink from an enquiry into the true grounds and merits of the accusation. The part he had taken in the transaction relative to Mr. Lees, was one which he was always ready to submit to the judgment of the House. A memorial had been sent from the General Post Office, signed by the two Noble Lords, who then presided there, Lord Tankerville and Lord Carteret, stating that Mr. Lees would probably suffer an injury in his employment to a very considerable amount, in consequence of the separation of the two establishments of the Post Office—that of England and Ireland from each other. It also stated the annuity paid by Mr. Lees to Mr. Walcot, and by Mr. Walcot to Mr. Baron : and he, together with other Lords of Treasury, as well in consideration of the actual loss sustained by Mr. Lees, as from the circumstance of that Gentleman having done the business for a considerable time for a small salary in the prospect of an increase in his profits in future, did upon enquiry into the amount of the loss, sign an order for an addition of four hundred pounds to his salary. As to the charge made by the Hon. Gentleman, that he was inclined to wink at abuses in the Post Office, or any other public establishment, it was a charge wholly unwarranted by fact, and unfounded by any reasonable presumption. So far was he from any backwardness for the reform in abuses in that office, that he had suggested a measure for the general reform of all those very abuses relative to shipping and other things,





things, which the Hon. Gentleman had mentioned, and that measure formed a part of the Office Reform Bill. He then concluded by reading the Resolution he had moved about three years ago on that subject, which appeared to be exactly in the same spirit, and to point to nearly the same objects as Mr. Grey's complaints had done.

Mr. Fox. Mr. *Fox* got up to declare it was somewhat too hard on his Hon. Friend, to endeavour to tie him down to a completion of his Report before the end of the Session. It was not possible for any Gentleman to answer what the sort of evidence might be that the Committee might find it necessary to have before them. Possibly they might be obliged to send to Ireland for Mr. Lees, and that would unavoidably delay the effectual proceedings of the Committee for some days. All that his Hon. Friend could undertake was, to proceed as far as he could with such evidence as should be found to be within his reach, and it ought in candour to be remembered, that when his Hon. Friend gave notice of his intention to make his Motion, he had said, if it was thought too late in the Session, he would willingly defer it till the next Session. With regard to the Right Hon. Gentleman's having signed his name to the Treasury Warrant in common with other Lords of the Treasury, for 400l. to Mr. Lees, as far as that went on the ground therein stated, he had not the smallest scruple to say it was a perfectly fair transaction; but then had the Right Hon. Gentleman the 350l. paid to Mr. Lees for A. B. in his head at the time, because if he had, he had not merely signed an annuity of 400l. simply to Mr. Lees, but an annuity of 400l. in addition to 350l. paid to Mr. Lees before, making in the whole 750l. Mr. Fox reasoned upon this as a matter that warranted supposition, and till it was explained, it was not unfair to presume it to be so. With respect to the sudden dismissal of any of the King's servants, his notions upon that matter were rather high; he conceived it to be the undoubted prerogative of the Crown to chuse its own servants; but if it were made out upon the proposed enquiry, that





that Lord Tankerville had endeavoured to correct the abuses stated by his Hon. Friend, and had suggested to the Right Hon. the Chancellor of the Exchequer plans of correction of those abuses, and especially of that of suffering 350*l.* of the public money to be annually paid away in the name of A. B. to a person whom nobody knew, that circumstance, coupled with the sudden dismissal of the noble Earl, made it undoubtedly a matter deserving of censure in the Minister. But he saw a reason, Mr. Fox said, which made it little or no wonder that the Noble Earl was suddenly dismissed, and which convinced him that his Hon. Friend's partiality to his noble relation made him rather unreasonable—for could his Hon. Friend imagine that any merit in his noble relation could stand a moment in the way of the present Chancellor of the Dutchy of Lancaster, and first Lord of the new Board of Trade, against whose interest the dismissal of a whole administration did not weigh a feather. Having put this very pointedly, Mr. Fox recurred to the idea with which he had commenced his speech, declaring that he wished to press it upon the House, that his Hon. Friend did not accept the engagement he had been invited to enter into, viz. that of completing his Report before the end of the Session.

The *Chancellor of the Exchequer* rose again to take notice of Mr. W. Pitt's Mr. Fox's point about his Hon. Friend (Mr. Grey) not completing his report, and his other point relative to the terms on which the 400*l.* Treasury Warrant to Mr. Lees had been signed. With respect to the latter, he said, the only grounds upon which the warrant had been signed were those the Treasury Minute stated, viz. in order to make up to Mr. Lees, a very worthy and meritorious officer of the Irish Post Office, an annuity adequate to what he lost, by the separation of the Post-Offices of the two islands of Great-Britain and Ireland. With regard to the Hon. Gentleman's not completing his Report, he must continue to think, that no Hon. Gentleman was warranted in bringing forward matters of charge against a Noble Lord, and against him, unless they were prepared to render an





immediate enquiry effectual and complete as its object. Mr. Pitt added some further general reasonings.

Lord Maitland.

Lord *Maitland* reprehended the period of the Session chosen to bring forward an attack of that sort on the character of a Noble Lord, who had served the public highly to his own credit for many years, and had been joint Post-master with Lord Barrington, Lord Le Despenser, and some of the first characters in the country. His Lordship said, the subject of the proposed enquiry had been hawked about the streets of London for many months past, and had been in almost every body's mouth. Why then had it not been brought forward earlier in the Session, when it might have been fully and completely gone through, and the blame, if any were due, fall where it should fall. His Lordship said, the present Motion upon the face of it, seemed to arise rather from resentment than justice. It looked as if it were founded in pique, and with a view to keep the Noble Lord, now at the head of the Post-Office, in a very disagreeable predicament, by calling his character in question, and not allowing him an immediate opportunity of clearing it from all imputation.

Mr. Sheridan.

Mr. *Sheridan* defended his Hon. Friend's conduct from the construction that Lord Maitland had put upon it, and raised a smile upon the faces of the House, by saying, that it was possible some other influence had induced the Noble Lord to stand up so warm an advocate for the present Post-master-General, than his own conviction that his Hon. Friend meant any thing at all unfair in bringing forward his Motion at that advanced period of the Session. The fact Mr. Sheridan asserted to be this—Lord Tankerville had himself intended, as was well known, to take some step in the House of Lords relative to the subjects that had been stated by his Hon. Friend in his opening, nor was it till very lately that he had been informed, that the only effectual and proper proceeding would be, to move in that House for a Committee of Enquiry. His Hon. Friend, therefore, was not





not at all to blame for not having brought forward the subject sooner, since it had not been in his hands till within a few days. The most material part of the proposed Enquiry, Mr. Sheridan said, was the charge against the Chancellor of the Exchequer. That matter was certainly a serious ground of enquiry, because no man in that House dealt more in professions; but he wished to try the Right Hon. Gentleman by his conduct, and not by his professions or the preambles of the Bills he had proposed and got passed. The Right Hon. Gentleman had then turned to one of those Bills, his Office Reform Bill, passed more than two years ago, and yet that House had heard nothing of the effects of that Bill as to the abuses in the Post Office, to which the Right Hon. Gentleman had said it alluded. He had, at the time that the Bill was in agitation, stood up to oppose it, and pronounced that it would prove ineffectual, and that the same end might be better obtained by other and very different means. The Motion of his Right Hon. Friend, and the ground of it, sufficiently proved that assertion, and amply justified it. Mr. Sheridan added some other arguments personal to Mr. Pitt.

Lord *Maitland* rose to say, that with regard to the influence <sup>Lord Maitland.</sup> that his Hon. Friend had alluded to, it was rather a delicate point for him to treat of, but thus much he would say, that the person alluded to by his Hon. Friend, was not only not afraid to meet an enquiry into any part of his conduct, but would not shrink from an investigation of the whole of a life of fifty years officially employed in the service of the public.

The *Chancellor of the Exchequer* said, he verily believed the <sup>Mr. W Pitt.</sup> Hon. Gentleman who spoke last but one, had spoken with his usual sincerity, when he had said the charge against the Chancellor of the Exchequer was the material part of the topics alluded to by the Hon. Gentleman, and he did not at all doubt, but that when it was considered what use ingenuity might make of reports to disseminate stories and tales to his prejudice, that the opportunity of doing so, was the principal ground that in-





duced Gentlemen to be so anxious for the enquiry. As to the Bill of Reform to which he had referred, and the argument that nothing had been done in consequence relative to the Post Office, Gentlemen would be so good as to recollect that the Bill pointed also to other reforms of more material importance, and that the Commissioners of Accounts, from whose abilities and exertions the country had derived such very material advantages, were themselves a very considerable time before they made a report upon that very important object of their attention, the Balances in the Accountants hands, but as soon as they did so, measures were immediately taken which effectually answered their end, and produced very large sums for the public. With regard to the Noble Earl having endeavoured to correct the abuses and received commendation from him for so doing, it was undoubtedly true ; but then, as to any great expectations of either much advantage or much dispatch in the Noble Earl's plan of reform, he could not say he entertained any very sanguine expectations.

Mr. Sheridan.

Mr. *Sheridan* said, as the Right Hon. Gentleman had spoken three times, he hoped he should be indulged in speaking a second time. The Hon. Gentleman had, it seems, thought him ironical in saying, that the most material part of the charge was that against the Chancellor of the Exchequer. Mr. *Pitt* said (across the table) directly the reverse ; in *that* I admit, and believe you to be sincere. Mr. Sheridan resumed his speech, and said, “ Well, I am glad the Right Hon. Gentleman admits that I generally speak with sincerity.” No, said Mr. *Pitt* again, not so ; but in what you have this day said against me. Mr. Sheridan again rallied, and went into argument to prove, that the Chancellor of the Exchequer dealt more in professions than in acts. The Right Hon. Gentleman, he observed, had said, the Commissioners under the Office Reform Bill, had not come to the Post Office ; he asked then to what else had they turned their attention ? He reminded the Right Hon. Gentleman of his eagerness to triumph over Lord North, by his famous speech  
on





on whipcord, the kitchens of Downing-street House, and a variety of other trifling topics, which, when Chancellor of the Exchequer, he had stated as instances of the Noble Lord's negligence and corruption. He particularly dwelt upon Mr. Pitt's former argument about the kitchens, and asked, how the Right Hon. Gentleman could reconcile it to himself, to have built the palace the corner of the Admiralty, after having held such an argument? It was, he said, if not a proof of corruption, at least a proof of proflusion, and unnecessary waste of the public money, in the Right Hon. Gentleman. Again, if he could not be charged with a direct corrupt use of the influence of the Crown, he had made as prudent and as interested an use of it as any Minister, in the distribution of places and emoluments, and particularly in bestowing titles and honours. Upon the whole, Mr. Sheridan contended, that Mr. Pitt had always promised and professed purity, but had acted with as much self-attention, and as much neglect of reform, as any Minister whatever.

The *Chancellor of the Exchequer* said, though it was true Mr. W. Pitt that he had spoken three times, the Hon. Gentleman had made it impossible for him not to rise a fourth time, and say a few words. The Hon. Gentleman, as usual, had grossly misrepresented facts. In the first place, he had not made the speech he had alluded to while in office, but when on the other side of the House, from knowledge obtained, when Chancellor of the Exchequer, at the Treasury, and he had stated them to the House, not as charges against the Noble Lord in the blue ribbon, but as proof of the want of regulation and check in the particulars to which they alluded. With regard to nothing having been done by way of reform, let any man look at the state of the country from the time that he came into office, and let him look at it then, and see if nothing had been done. With respect to the use he had made of the influence of the Crown, in advising the appointments to places, and the bestowal of titles and honours, he had done that which he ever should





should do,—advised the Crown to exercise the royal prerogative, in both those instances, as should best contribute to give lustre, vigour and firmness, to his Majesty's Government; and therefore the Hon. Gentleman had paid him a much greater compliment than he intended.

Mr. Adam. Mr. *Adam* rose, and attacked Mr. Pitt for his having introduced the name of the Noble Lord in the blue ribband in his present helpless state, and made him the subject of animadversion in his absence. He began with saying, that the Right Hon. Gentleman was correct, in stating that he had been in opposition, and not in office, when he had made the charges relative to whipcord, the new kitchens in Downing-street House, &c. He would not, he declared, have presumed to have said a syllable of that nature, while the Noble Lord was out of office, when he thought he might have been able to have prevailed on him to join him. Mr. Adam spoke of the Noble Lord's having joined himself to men of the first genius, ability and virtue, and that the Right Hon. Gentleman declared that an unpardonable offence: that he had acted in a manner directly opposite,—he had received those former dependents on the Noble Lord, who, by their recent conduct, had proved how much the Noble Lord's confidence had been misplaced, and, with their aid, he had been enabled to collect his Members of Parliament. [A cry of *Order! Order!*] Mr. Adam said, he meant no offence to the House, but his zeal, his affection, his attachment to the Noble Lord, had rendered it impossible for him to express himself calmly, when he heard him, in his present unfortunate condition, made the subject of personal animadversion.

Mr. W. Pitt. The *Chancellor of the Exchequer* said, no man could more readily forgive improper words, when dictated by affection and tenderness for an absent friend labouring under severe indisposition, than he could, and no man regretted the cause of the Noble Lord's absence more; but he could not help observing, that the Hon. Gentleman had not lost his temper merely, but his





his memory, for so far from his having introduced the Noble Lord's name into the Debate, an Hon. Gentleman opposite to him had forced it upon him; neither had he made, at any time, any charge against the Noble Lord, as a ground of censure, or with a view to the charging him with corruption or criminality, but had merely, as he had before said, stated certain proofs of the want of regulation and check in the higher offices of Government, as arguments in favour of the necessity for a reform. The Chancellor of the Exchequer took notice of the Coalition, and said, the persons whom the Noble Lord had joined, had not been thought to include all the virtue and ability of the country, till after that event.

Mr. *Fox* said, his Hon. Friend had not imputed it to the Mr. *Fox*. Right Hon. Gentleman, that he had charged his Noble Friend, who was absent, with having done any thing that bore the appearance of corruption or criminality, but with having thrown out, as loose insinuations, what he ought not to have mentioned at all, unless he had brought them forward in the shape of charges capable of proof and refutation.—Mr. *Fox* defended Lord North from the shadow of suspicion, by declaring that, in his hottest hour of opposition to the Noble Lord, when Minister, he had never dreamt of imputing any thing like corrupt motives to him, for any part of his conduct, nor had he ever heard an individual hint at such an idea.—He defended the Coalition (as it was called) from an attack Mr. *Pitt* had made upon it in his last speech, and said, when that Gentleman had stood up in 1782, after the Noble Lord had been driven from his post, and declared against a retrof. & with a view to punishment, it had been imagined and understood that he wished to court the Noble Lord, with a view to a junction. [Mr. *Pitt* said across the table, “Who understood so?”] Mr. *Fox* replied, “I did, for one, and so I have reason to believe did many others, from the conversation I then held with them.” Certain it was, he said, that, before the Coalition, the Right Hon. Gentleman never expressed himself with





with that acrimony that he had since done, when speaking of the Noble Lord.

Mr. W. Pitt.

The *Clancellor of the Exchequer* denied the fact most peremptorily, and said, the Right Hon. Gentleman chose to forget all that had passed previous to the Coalition, he chose, however, to date his recollection from his first appearance in that House, and to appeal to all who had witnessed, whether he had not uniformly persisted in declaring that he thought the Noble Lord a bad Minister, and that he never would act with him in any public situation as a Minister. If the Right Hon. Gentleman had understood that he meant to court the Noble Lord's political friendship, at the time he had mentioned, as he then lived with him on terms of friendship, why did he not put the question to him fairly? The fact was, he never had afforded colour for such a sentiment being entertained by any one, and had no other motive for being against a retrospective enquiry in 1782, than that he thought the situation of the country made it more wise to look forward, with a view to the future, than to look back to the past. As to charging the Noble Lord with having been actuated by motives of personal corruption, he had never suggested or entertained such an idea, any more than the Hon. Gentleman.

Mr. Fox.

Mr. Fox rose again, and admitted that he might not have put a question to the Right Hon. Gentleman, but contended that he had thought so; and insisted upon it, that his manner of mentioning the Noble Lord had been more guarded, and less offensive, in the interval between the Noble Lord's going out, and his return to office, than at any time since.

Mr. Grey.

Mr. Grey rose, to take notice of a few things that had fallen in the course of the Debate. His observations were directed chiefly to Lord Maitland's declaration, that the period of the Session appeared to have been chosen purposely with a view to leave the enquiry unfinished,—to Mr. Pitt's remarks of a similar tendency, and to his sarcasm upon the value of a Noble Earl's assistance in office. Mr. Grey declared, the Motion  
arose





arose from no motives of personal pique or resentment, of any sort whatever; that he possessed materials for the charges, in his mind, adequate to the end proposed, since he held in his hand a copy of the Memorial of Mr. Lees, and other documents important to the charges. Before he sat down, he took notice of a part of the Chancellor of the Exchequer's argument, which he thought unwarrantable, and injurious to his honour, and said, no man should *dare* to question the purity of the principles on which he acted. He accompanied this with some personal allusion to Mr. Pitt.

The *Chancellor of the Exchequer* said, the Hon. Gentleman Mr. W. Pitt arrogated somewhat too much to himself, if he conceived that he should not take the liberty of calling his motives in question, as often as his conduct warranted his doing so. If the Hon. Gentleman chose not to have his motives questioned, he must take care that his conduct was such as not to render it necessary.

Mr. *Grey* rose again, and replied to Mr. Pitt, declaring that Mr. *Grey* he should never act in that House upon any principle that did not appear to him to be honourable; and while he was conscious that his conduct was governed by the unerring principles of honour, if any Gentleman chose to impute dishonourable principles to him, he had the means in his power that it would then be proper to resort to.

[The Chancellor of the Exchequer and Mr. Sheridan rose together; but the latter declaring, that he flattered himself the House would wish rather, in such a moment, that he should delay the Right Hon. Gentleman's speaking for a very few seconds, was heard first.]

Mr. *Sheridan* then said, that his Hon. Friend, he saw clearly, Mr. Sheridan. had mistaken the Chancellor of the Exchequer's meaning; but his words hastily heard, might, at their first sound, have made the sort of impression that he perceived they had made on his Hon. Friend, though he was ready to admit that was not their true meaning.





**Mr. W. Pitt.** The *Chancellor of the Exchequer* rose again, and said, he had not before spoken with heat, nor should there be any heat in what he was going to say. He then deliberately repeated the argument of his former speech, and added, that as to any means the Hon. Gentleman in that case might wish to resort to, it would be for himself to determine whether they were proper or not.

**Mr. Steele.** Mr. *Steele* rose, and warmly remonstrated against the sort of tone of defiance that the Hon. Gentleman had assumed, and which could not but prove painful to every Gentleman's breast. He desired to ask the Hon. Gentleman, if, in his own opinion, he had the means in his power to complete the enquiry he had moved for; if he had not, he would say that it was unworthy a Member of Parliament to have opened, at that period of the Session, a matter involving a charge against the Noble Lord at the head of the Post-Office, and against his Right Hon. Friend, and leaving them both in suspense before the public. Mr. Steele stated this alternative very strongly, and desired an answer.

**Sir James Johnstone.** Sir *James Johnstone* declared, that he would suspect whom he pleased. He would suspect the Speaker, he would suspect my Lords the Bishops, he would suspect every man in that House; he was sent there to suspect them all, and he dared to do his duty, and to declare that he would do it.

**Mr. Grey.** Mr. *Grey* rose, to say, he meant not to assume a tone of defiance, nor was he conscious that he had done so. As to the question the Hon. Gentleman had put to him, he had, in his mind, proof sufficient of the facts he had stated, if Mr. Lee's Memorial to the Postmasters General was admissible as evidence.

**Mr. Steele.** Mr. *Steele* said a few words in reply.

At length, to put an end to the conversation, the Committee was nominated, and invested with the usual powers of calling for persons and papers.

*Wednesday,*





*Wednesday, May 16.*

PETITION FROM THE CITY AGAINST REGRATING.

Mr. Alderman *Le Mesurier* rose to preface a Motion, for referring the Petition of the City of London to a Committee, with a few arguments; but the Speaker calling for the Motion, the Alderman handed it to the Chair, unapprized, perhaps, that by suffering it to be read in form from the Chair, he lost the opportunity of speaking first in the Debate.

Alderman  
Le Mesurier

There being a pause before any body rose, the Speaker asked, “who seconded the Motion?”

On which Alderman *Newnham* seconded it.

Alderman  
Newnham.  
Alderman  
Townsend.

Alderman *Townsend* rose to oppose the Motion, declaring it, in his opinion, to be a Motion neither founded in necessity nor wisdom, nor fit for the House to countenance. The Alderman said, there was, and had been, plenty of cattle at Smithfield all the winter, and, as the season advanced, the price of butchers meat would undoubtedly be lower. He reminded the House, that the laws against Foretallers and Regrators had long since been repealed, on the recommendation of the present Chief Justice of the Court of King’s Bench, and asked, if the House would, upon the suggestion of a Committee of Common-Councilmen, go back, and revive what the deliberative wisdom of the Legislature had, upon experience, determined should no longer exist. The Alderman said, there were some vexatious suits, he understood, now going on, upon some obsolete statutes; and, if the present Motion were listened to, and the proposed end of it carried into effect, vexatious prosecutions would be multiplied, and the only object obtained would be that a few Common-Councilmen would be fed more cheaply than at present. He hoped, therefore, the House would not suffer the Petition to be referred to any Committee, but would reject the Motion at once.—After a few more reasons against the existence of any necessity for





for reviving the laws against Forefallers and Reqrators, the Alderman moved, “ that the Motion be negatived.”

**Mr. Vyner.** Mr. *Vyner* said, though there had not appeared to be any body ready to second the Motion of the Hon. Alderman who sat on the other side of the House, he rose without hesitation to second the Motion of the worthy Alderman who spoke last, which he thought the Motion most proper to be made on such an occasion. The worthy Magistrate, he said, had gone so fully into the subject, and stated why the Landed Interest was not to be wantonly sacrificed to the capricious speculations of the Common-Council of London, that he believed it would be better for him not to say any thing further on the subject. One observation only he would make, and that was, that after the Legislature, acting upon experience, had thought proper to repeal the laws against Forefallers and Reqrators, he thought the Petition in question, and the attempt to refer it to the consideration of a Committee, an affront to the House.

**Mr. Burke.** Mr. *Burke* rose, and laughed at the Aldermen and Common-Council of London for being so extremely anxious to be well fed. He said, he presumed the application to revive the laws against Forefallers and Reqrators, came from the Aldermen concerned in it, after dinner; for their Petition had all the marks of plenitude and fullness about it. It was, he observed, an old saying, “ that Heaven sent provisions, but the Devil sent cooks.” So in this case, he conceived, that having fed heartily, the Aldermen wanted to quarrel with the cooks; but he advised them to think better of the matter. He begged them, at all events, not to be uneasy, for if meat had been a little dear, when the price of feeding cattle was also dear, it would be considerably cheaper day after day; that there was already plenty of nice lamb at market, and, in consequence of the kindness of Providence lowered down upon the earth, the green peas were coming in, and every other article of luxury, both of meat and vegetables. As the Aldermen undoubtedly wished to ensure the continuance of having their  
napkins





napkins tucked under their chins, and as he was also desirous they should continue to make that characteristic appearance, he should oppose the Motion for reviving the laws against Regrators and Forestallers. While they had plenty of provisions, he advised them not to want to go to loggerheads with the providers, but to let them fatten as well as themselves. In the instance before the House, they certainly acted under a mistake; but the errors even of the City of London, were respectable; nay, their very ignorance ought not to be despised; and indeed they were ignorant only as to the manner of their being fed, as every body well knew. As he had been the humble instrument of moving the repeal of the laws against Forestallers and Regrators, he wished to stand up, and prevent the dry bones of those gibbeted laws from being again clothed with flesh, and called from their merited fate into existence; but, as he wished to treat the City of London with good humour, as they were willing to treat every body who visited them with good cheer, he should hope that so harsh a measure as rejection would not be adopted, but that he might be permitted to move to put off the consideration of the Motion till the first of August, by which time the Aldermen would have had so many good dinners, that they would have been convinced, in their own way, of the impropriety of their purpose, as well as of its being altogether unnecessary. Mr. Burke talked of the commerce of provisions, opposing it to commerce properly so called, and asked the worthy Alderman, who had introduced the business, whether he was not aware that a free commerce was that species of commerce most likely to flourish and to prosper? Let him therefore ask himself, whether a free commerce in provisions was not likely to make a plentiful and a cheap market? and Forestallers and Regrators were, in that kind of commerce, at the Factor, the Warehouseman, and the Merchant, were in the other, so let them alone, and then as great a variety, and as large a quantity, of provisions would be brought to London, (of itself an absolute desert in





that particular respect) as of muslins, silks, and spices and teas from the East; of lumber, and staves and rice from the West, of furs, and timber, and hemp, and pitch and tar, from the North; of slaves, and gold dust, and drugs, and colours, from the South. Mr. Burke concluded with saying, that if the worthy Alderman would be so good as to withdraw his Motion, he would move that the Motion be taken into consideration on the 1st of August.

Alderman  
Townsend.

Alderman *Townsend* said, he would readily consent to withdraw his Motion.

Alderm. Le  
Mefurier.

Mr. Alderman *Le Mefurier* said, the good humour with which the Hon. Gentleman had treated the subject, had disarmed his anger, otherwise he should have spoken warmly of the expression of an Hon. Gentleman (Mr. Vyner) who had said the application was an affront to the House. The Alderman declared he had ever understood any body of subjects had an undoubted right to come to that House, complain of their grievances, and ask for redress. The petitioners had done no more; but as it did not meet with the concurrence of the House, he would not press the application at present. All he had wished for had been for leave to have brought in a Bill, to have had it printed, to have let it then gone over to the next sessions, when, after the country had seen and understood it, the House would be better able to decide upon its true merits. The Aldermen of London, Mr. Le Mefurier admitted, were fair game, but then it ought to be considered they were a very small number indeed compared to their fellow-citizens, and the inhabitants of the metropolis; if they fed upon the good things of this life, it was their duty to take care of the million connected with them, and to see that they had provisions as cheap as their circumstances made necessary. With regard to the commerce of trade in general, and the commerce of provisions, the comparison did not hold at all. Any coat would keep a man warm, but he must have something to eat, or starve. The Alderman said there were laws against Foresters and Regrators yet unrepealed,





ed, and he begged the House to recollect, that they were not passed in unpopular reigns, but in the reigns of Edward IV. Henry V. William III. and reigns of those complections and characters.

Alderman *Newnham* begged to say a few words, and first he wished to take notice of the observation of an Hon. Gentleman (Mr. Vyner) who had remarked that no Gentleman seemed ready to second the Motion. The fact was, the Alderman said, that he was pledged to second the Motion before he came down to the House, but he had waited to hear the Hon. Magistrate's arguments before he rose to second him, as he had undoubtedly expected he would have stated some arguments as the grounds of his Motion. His not having stated any, was the cause of the delay that occasioned the pause, which had given rise to the Hon. Gentleman's observation. With regard to the laws against Regrators and Forestallers, undoubtedly the repeal of them generally considered was a wise measure, but then there were regulations necessary of a moderate nature, which Mr. Newnham said he conceived need only to be stated to be assented to universally. Smithfield, for instance, was the common market of the metropolis; Smithfield consequently ought to afford a true test of the plenty or scarcity of the season. At present it did not by any means, because the cattle that were sent to town by the feeders in different parts of the kingdom, did not come to Smithfield, but were stopped in their way, bought up at Finchley or Islington; Rumford or Stratford; Hounslow or Hammer-smith; Edgware or Marybone; Croydon, Kingston, Bromley, or Dartford; withheld from Smithfield, and an artificial scarcity created, and all the effects of it produced, when there was a real plenty. What he wished therefore was, that the cattle designed originally for the London markets, should be <sup>permitted</sup> ~~allowed~~ to be brought to Smithfield, and there fairly sold. By such a regulation all parties would stand upon an equal footing; the farmer, the feeder, the drover, the salesman, the butcher, and the public.

Alderman  
Newnham.





Sir Watkin  
Lewes.

Sir *Watkin Lewes* rose and said, impatient as the House seemed to be, he could not suffer a Motion which related to a matter of so much consequence to pass, much less to be negatived without saying a few words. The object of the Motion was undoubtedly of great importance, and deserved to be treated in a different manner. The Committee appointed by the Corporation of the City of London had taken great pains to investigate the cause of the high price of provisions, and had corresponded with the different Corporations throughout the kingdom, who had concurred in their wishes that some remedy might be adopted to reduce the high price of provisions—the public were too much interested, and their expectations excited that the abuses which have been stated would have been remedied, not to feel themselves disappointed, and particularly at the manner in which the subject had been treated. He said, he had heard no argument that carried any weight in his mind against the Motion, that ribaldry had been substituted in the room of argument, unworthy the dignity of that House, or the importance of the subject, and he should certainly give his support to the Motion for bringing in the Bill, for it was not proposed to be passed into an Act of Parliament this session, that it might be submitted to the observations of those competent to give an opinion on the subject—he hoped by the next session, the Bill might be so matured as to deserve the approbation of that House.

The Motion for referring the Petition was negatived.

---

*Friday, May 18.*

C O A L B I L L.

Lord Mulgrave.

Lord *Mulgrave* presented a Petition from several Ship Owners in the port of London, in support of the Bill, and then moved, “that the Bill be now read a second time.

Mr. W. Pitt.

The *Chancellor of the Exchequer* said, the House would recollect that when some Gentlemen had opposed the first reading of the Bill, he had wished to have it discussed on account of the importance





importance of its object, and the necessity which there seemed to be of something being done in it. At the present, however, he wished the business to be postponed, because he now knew it to be impossible that the Bill should pass through that House (much less the House of Lords) in the present session; and postponing it in this stage of the business, a very heavy expence would be saved to the persons who had applied for the Bill. When he had said thus much, however, he begged—[*When Mr. Pitt entered into this part of his speech, he spoke in a very pointed and solemn manner*]*—*that Gentlemen would not misunderstand him as having the smallest desire to get rid of the Bill. On the contrary, he was convinced that it was a matter of the greatest importance, both as it involved in it the first interests of this kingdom, and as it related to the parties who sought relief. They were men as valuable and respectable as any men whatever: they had distinguished themselves in promoting the interests of the nation; and every way merited the particular attention of Government. Nor were their complaints ill-founded. By the unquestionable information he had received from most respectable quarters, he was convinced there were many and various abuses in the trade, for which the existing laws provided no effectual remedy. He saw, therefore, the necessity of a reform, which ought to be gone into as speedily as could be. Yet, when he considered that it was but the second reading of the Bill, that from the necessary forms of the House it would take up ten or fourteen days at least, and consequently could not be gone through this session, he would advise and request his Noble Friend (Lord Mulgrave) to postpone the consideration of it till the next session, to save at once unnecessary trouble to the House, and a very great expence to the parties concerned. An idea had been thrown out by some Gentlemen (Sir Mathew White Ridley and Mr. Brandling) that during the recess such a Bill might be prepared as could be brought in with the consent of all parties. He should be glad to find it so, but if this could not be done, some effectual remedy





must be applied to the evils complained of, and therefore the business must and should be resumed very early in the following session. He concluded with observing, that his Noble Friend (Lord Mulgrave) had great merit in the part he had taken, and deserved the thanks of his country for bringing forward a matter in which its most valuable interests were materially concerned.

Lord Mulgrave.

Lord *Mulgrave* said, after what had been urged by his Right Hon. Friend, it would be impossible for him not to consent to the business being postponed. He would only add, the reasons which induced him to bring it forward so late in the session, were not only the great anxiety which the aggrieved party must feel, situated as they are, but more especially the consequences which might follow to this country from the decay of such an important trade. Those who objected to the Bill, he said, had certainly mistaken their own interests; but, if by postponing the Bill to the next session, measures should be adopted in the recess to bring forward a Bill by the consent of all parties, he should be happy.

Mr. Brandling.

Mr. *Brandling* said a few words, approving of the adjournment of the second reading.

Mr. Orde.

Mr. *Orde* said he did not know there was any thing objectionable in the Bill, but certainly they (meaning the opponents of it) were not to be driven in the compulsory manner which had been attempted by the agents of the Bill. If both parties understood their interests, they would next session bring forward a Bill by mutual consent.

Lord Mulgrave.

Lord *Mulgrave* rose in defence of the persons who had applied for the Bill. He had forbore to make any comparison between the conduct of those Gentlemen and their opponents—he wished Gentlemen had followed his example, as he feared they would gain little by the comparison. He was compelled to declare that the persons alluded to were men of the fairest character—and had conducted themselves in a manner perfectly cool and dispassionate. They had acted at the desire of 688 proprietors of





of shipping, whose property in the trade amounted to more than 2,000,000*l.* and whose ships employed upwards of 12,000 men. The Petitions for the Bill (his Lordship said) were signed by most of the Ship Owners in every port from London to the River Tyne.

Sir *Mathew White Ridley* complimented the Chancellor of the Exchequer on his conduct; as (he said) it would prevent animosities and serious consequences. S r M W  
R d l y.

This called up Mr. *Wilberforce*, who said the Hon. Gentleman had misunderstood his Right Hon. Friend (Mr. Pitt.) He had not wished to postpone the Bill on the ground which that Hon. Gentleman seemed to suppose, but merely because it was too late in the present session to go through with it; and his Right Hon. Friend had said, it must be brought forward again early in the beginning of next session. Mr Wil-  
berforce.

Sir *Mathew White Ridley* rose to explain, and said he was sorry if he had misrepresented the Right Hon. Gentleman. S r M. W.  
Ridley.

The second reading of the Bill was postponed to that day three months.

*Monday, May 21.*

#### HIS MAJESTY'S MESSAGE.

The *Chancellor of the Exchequer* brought in the following message, which was handed to the Chair, and read by the Speaker with due solemnity. Mr.W.Pitt.

“GEORGE REX.

“It is with the greatest concern his Majesty acquaints the House of Commons, that from the Accounts which have been laid before his Majesty by the Prince of Wales, it appears that the Prince has incurred a debt to a large amount, which if left to be discharged out of his annual income, would render it impossible for him to support an establishment suited to his rank and station.





“ Painful as it is at all times to his Majesty, to propose an addition to the heavy expences necessarily borne by his people, his Majesty is induced from his paternal affection to the Prince of Wales, to recur to the liberality and attachment of his faithful Commons for their assistance on an occasion so interesting to his Majesty’s feelings, and to the ease and honour of so distinguished a branch of his Royal Family.

“ His Majesty could not, however, expect or desire the assistance of this House, but on a well-grounded expectation that the Prince will avoid contracting any debts in future.

“ With a view to this object, and from an anxious desire to remove any possible doubt of the sufficiency of the Prince’s Income to support amply the dignity of his situation; his Majesty has directed a sum of 10,000*l.* per annum to be paid out of his Civil List in addition to the allowance which his Majesty has hitherto given him; and his Majesty has the satisfaction to inform the House, that the Prince of Wales has given his Majesty the fullest assurance of his determination to confine his future expences within the income, and has also settled a plan for arranging those expences in the several departments, and for fixing an order for payment under such regulations as his Majesty trusts will effectually secure the due execution of the Prince’s intentions.

“ His Majesty will direct an estimate to be laid before this House, of the sum wanting to complete, in a proper manner, the work which has been undertaken at Carleton-House, as soon as the same can be prepared with sufficient accuracy, and recommends it to his faithful Commons to consider of making some provision for that purpose. G. R.”

Alderman  
Newnham.

Mr. Alderman *Newnham* rose, as soon as the Message had been read to its conclusion, and addressed the Chair in the following words:

“ I confess, Sir, it is with considerable exultation that I find, that none of those predictions or prognostications, which, as an Hon. Gentleman observed, were *chorussed all round me*  
on





on a former occasion, have in the smallest degree been realized. I do not pretend to arrogate to myself, that any thing which I have done has promoted this happy event, but it is my boast, that nothing I have done has prevented it; amidst the general joy which glows in every breast, that has thought upon the subject, I receive the most heart-felt satisfaction. I most sincerely rejoice, that the Prince of Wales, whom I admire and revere, will obtain relief in a mode, I am sure far the most satisfactory to him. I rejoice, that by this his Majesty will have his comfort and his glory secured and promoted; and I most sincerely hope, that no event may ever happen to interrupt their felicity, but that paternal love and protection on the one part, and filial gratitude, duty, and affection on the other, may flourish and increase for the rest of their lives."

Mr. *Rolle* said, he was extremely happy to find that the Mr. Rolle, business was at last brought to that shape and form; that he would meet it fairly; but as he did not wish to anticipate the debate, he would merely say, that he was of opinion the list of the debts of his Royal Highness ought to be laid upon the table, that other Gentlemen as well as himself, before they laid additional burthens upon their constituents, might know on what ground it was, that they were called upon to vote away the public money.

The *Chancellor of the Exchequer* said, an estimate of the Mr. W. Pitt, Debts of his Royal Highness, which had been examined into, was making out, in order to its being laid upon the table.

The Message was, upon Motion, ordered to be taken into consideration on the morrow.

#### L E W E S S M A L L D E B T S B I L L.

Motion being made that this Bill be read a third time,

Sir *John Miller* said, he had many and great objections to Sir John Miller, Small Debt Bills, and to Courts of Conscience, as they were usually called. In these Courts, he said, every man loses the trial by his Peers, the grand bulwark of his liberty, as secured to





to him by the great Charter.—He loses this two-fold barrier of a presentment and trial by jury, between the liberties of the people and the prerogative of the Crown. The Judges, he said, of many of these Petty Courts, are as absolute as those of France or Turkey; they can imprison any man who does not comply with their mode of paying a debt of ten or twelve shillings; no power can take cognizance of their decisions, nor is there any appeal against that which they pronounce to be *their will and pleasure*—the unfortunate debtor of ten or twelve shillings may be by them committed to the common Bridewell, where garnish, and other shameful fees, impositions, and extortions accumulating upon distresses, which have already deprived a man of his precious liberty, will amount to much more than the original debt;—besides this very important additional consideration, that from being careless, indiscreet, or inadvertent only, the unhappy prisoner will, in the course of a month's confinement, too frequently become a perfect adept in many species of vice and profligacy, and is turned out upon the world a finished villain! for our Bridewells, Sir John said, he was sorry to remark, were little better than academies for every species of dexterity in crimes and abominations; while, in the mean time, the parish is obliged to find the wife and family of the unfortunate wretch, who returns to them, for the most part, totally indisposed to any kind of industry, as well as unacceptable,\* and indeed almost inadmissible to any resumption of his former labours or art. The ignorance and incapacity of the Judges of these petty courts is a grievance scarce to be remedied under their present constitution—the administration of oaths, both to the creditor and debtor, in proof or acquittal of the debt demanded, greatly increases and multiplies perjuries;—peevishness and litigations are promoted amongst neighbours—and the demands, (three-fourths of which are made in these Courts by keepers of publick-houses upon account of tippling,) had, for the benefit of the community, and the promotion of good order





order and sobriety, better be recoverable with difficulty and expence, than by so easy and expeditious a process. To say the best of it, Sir John added, this is a new and arbitrary mode of trial, in which large discretionary powers create a petty tyranny in a set of standing commissioners, who have neither precedent nor controul for their proceedings—and however convenient, says Judge Blackstone, (speaking of conscience) it may appear at first sight, “yet, as delays, expence, and little inconveniencies in the forms of justice are the price that all free nations pay for their liberties in more substantial matters, these inroads upon the sacred bulwark of the nation are fundamentally opposite to the spirit of the constitution, and though begun in trifles, the spirit may gradually increase and spread to the *utter disuse of Juries*, in questions of the most momentous concern.” This high and most respectable authority would, he trusted, insure him the support of the learned Gentlemen upon all sides of the House to combat these *particular* jurisdictions, which derogate from the general jurisdiction of the Common Law of this country. The full establishment and reformation of county and hundred Courts, would render these little mischievous and partial Courts totally useless. Great capitals, or populous trading and manufacturing towns may, he admitted, benefit by a process so concise, where a constant influx and reflux of strangers prevent the characters, faculties, and dispositions of many persons from being known to those with whom they have dealings; in such situations, a summary redress, at a small expence, may perhaps be beneficial to trade. ° But in districts of a contrary description, such as those parts of the county of Suffex, to which the present Bill was to be applied, where every man’s character, means ~~and~~ situation in life, are or may be known to all who have dealings with him; the ale-house keeper, the baker, or the chandler’s shop-keeper, need give no farther credit than they have fair assurance of punctuality, in which case their losses can be but trifling, if indeed they have  
any





any losses at all, and individuals, as well as society in general, will benefit by this check to the facility of obtaining credit in many cases. He might be asked, whether he had any knowledge of, or connexion with the county of Sussex? and that he might as well oppose a Bill of Inclosure in any county to which he was a stranger, as the present Bill?—Sir John said, he had no acquaintance, or connection with the county of Sussex; he knew the present Bill had been recommended to the county Members, by many of their constituents, and, without doubt, by all the ale-house keepers and little shopkeepers in the county; but he considered a Bill of Inclosure, in which the profit and satisfaction of the individuals interested in it, as the whole of the public concern with such Bill; whereas, in the present case, an unnecessary invasion of the judicature of this country, in certain districts of the county of Sussex, was, he conceived, a mischief which, as a Member of that House, it was his duty to resist.

The House divided upon the Motion, “that the Bill be now read a third time,”

*Ayes 9, Noes 63.*

Mr. Pelham.

The Hon. *Thomas Pelham* then rose, and strenuously supported the Bill, contending, that from the peculiar character of Brighthelmstone (which was in the district of Lewes) as a region of pleasure, and a seat of summer visitation, such a Bill was peculiarly requisite for such a place.

It was moved, “That this Bill be read next day.” Amendment proposed, by inserting “This day three months.”

The House divided on the Question, that *to-morrow* stand part of the Question.

*Ayes 21.*

*Noes 90.*

It passed in the negative.

#### IMPEACHMENT OF WARREN HASTINGS, ESQ.

Mr. Burke.

Mr. *Burke* expressed his conviction of the necessity that existed of that House not suffering the Session to end, without proceeding





proceeding to take some step binding upon Warren Hastings, Esq; to be forthcoming to answer the Impeachment against him, Articles of which that House had preferred at the Bar of the House of Lords; he therefore moved, “ That Warren Hastings, Esq; be taken into custody of the Serjeant of Arms of that House.”

Mr. Nicholls stated his reasons for thinking that such a Motion ought not to pass, and his principal objection, he said, was, that it would brand Mr. Hastings with a stigma in the face of the country, by suggesting an idea, that the House had reason to suspect Mr. Hastings of some undue purpose, or improper design of attempting to elude justice. Mr. Nicholls stated, that upon recurring to the Journals to search for precedents, found there were three several modes of proceeding had been adopted by the House after they had resolved to impeach; the one, was to take the party impeached into the custody of their own Serjeant at Arms; the second, to desire the Lords to take him into custody; and the third to desire their Lordships *to put him to answer*. Now this last was precisely in point to the present Impeachment, in which the House had desired the Lords would *put the said Warren Hastings to answer* the said Articles of Impeachment. Mr. Nicholls then said, among the various precedents upon the Journals, he had selected one, and that a case so far similar and corresponding, as it was one in which the party was not taken into custody; this was the case of Edward Seymour, Esq; on the 17th of December, 1680. Mr. Nicholls read the precedent to the House, and said, though he did not know that the taking Mr. Hastings into custody, for the sake merely of carrying him up to the Bar of the other House to be bailed, would be attended with any personal inconvenience to that Gentleman, yet he thought the House ought to adhere to precedent, while they had so strong a precedent to be guided by.

Mr. Nicholls.

The





**The Speaker** The **SPEAKER** said, he had the precedent of Mr. Seymour's case in his hand, but that the Hon. Gentleman had not stated the whole of it, for that three days afterwards, viz. on the 20th of December, 1680, Mr. Seymour actually was taken into the custody of the Serjeant at Arms, by order of the House.

**Major Scott.** Major *Scott* rose to object to the Motion, as a breach of promise. The Major declared he had been told, that it was not the intention of the Hon. Gentleman to move to take Mr. Hastings into custody of the Serjeant, and that information had been confirmed in a subsequent conversation by a learned Gentleman then in his eye. The Major said, on the day that the Question of Impeachment had been discussed, Mr. Hastings had been in attendance near the House, and ready to surrender, if called upon, but no such motion having then been made, he thought it unfair to bring it forward at present, though he admitted the making such a motion singly, was more manly than doing it on the ground of a new Article of Impeachment, as he expected would have been the case.

**Mr. Anstruther.** Mr. *Anstruther* said, if the Hon. Gentleman meant to allude to him, he had told him at the time, that he really knew nothing about the intention of the Hon. Gentleman alluded to, but his idea was, that in all probability they would not move to take Mr. Hastings into custody.

**Major Scott.** Major *Scott* said, the Hon. and learned Gentleman was correct as far as he went, but he should have gone a little farther. The Major then reminded the Hon. and learned Gentleman of a conversation that passed between him, another learned Gentleman and himself, below the Bar, and again at the corner of Bridge-street, on the same day.

**Mr. W. Pitt.** The *Chancellor of the Exchequer* rose to put an end to a conversation relating to what passed privately in the rooms of that House, or in a corner of the street, which was, in his mind, by no means fitting for that House to be troubled about. The fact with regard to the present motion was, that it had originally  
been





been thought that it was unnecessary for the House to take Mr Hastings into custody by their Serjeant, but upon a more minute examination of precedents, and a consultation with others in another place, it had been found that the more regular and formal mode of proceeding would be for that House to take Mr. Hastings into custody by their Serjeant, for the purpose of carrying him up to the Bar of the House of Lords, there to give in bail, if the House of Lords thought proper; but this was not adopted with any view to subject Mr. Hastings to any particular hardship or inconvenience; it was merely chosen as a mode most suitable to the dignity of the House, and to the purposes of substantial justice.

Mr. *Burke* said, it was well known that his opinion had Mr. Burke. originally been, that Mr. Hastings should be taken into custody of their Serjeant at Arms, but he had given way to other Gentlemen, who had been of opinion, that such a procedure might be dispensed with. That opinion it now appeared had been erroneous, and therefore, without meaning to aggravate the offences or the criminality of Mr. Hastings, the Motion that he had had the honour to make, was found to be indispensibly necessary.

The Motion was carried.

Mr. Burke reported the Seventh Article of Impeachment, which was read a third time.

Mr. Burke was then directed to carry the same to the Lords.

The House being informed that Warren Hastings, Esq; was in the custody of the Serjeant at Arms,

Mr. Burke was directed to acquaint the Lords with the same.

#### POST-OFFICE ABUSES—REPORT OF COMMITTEE.

Mr. *Grey* said, the Committee had gone through the several Mr. Grey. Abuses in the Post-Office that he had alluded to, when he had taken the liberty of proposing a Committee of Enquiry a few days since, and his mind was made up to the conviction, that  
the





the Committee had heard evidence sufficiently satisfactory to substantiate every fact that he had opened to the House; he wished, therefore, to make a Report of their proceedings, as far as included those facts. Other Gentlemen had stated other facts, which were then under enquiry, he could not therefore make a complete Report.—Mr. Grey said, this being the case, he trusted his Report would be received, and that it would be considered as a full and complete answer to those Gentlemen who had charged him with having wished to open accusations in the House, and propose a Committee of Enquiry, without having in his possession the materials and the power of making a Report to the House before the prorogation of Parliament. He concluded with moving, “That the Committee have leave to report from time to time.”

Lord Mait.  
land.

Lord *Maitland* complained of the injustice of making a partial Report on a subject of so delicate a nature, as an accusation against a Noble Lord, high in office, at a period of the Session when it would be impossible for that Noble Lord to exculpate himself in time for the House to receive his exculpation before Parliament was prorogued. His Lordship submitted the ground the House stood upon in this affair to their candid consideration.

Mr. W. Pitt.

The *Chancellor of the Exchequer* said, he was extremely anxious and impatient, that a Report from the Committee should be made, but no feeling of anxiety on his own account, nor on that of the Noble Lord in question, could reconcile him to the admission of a piece-meal and partial Report upon so delicate a subject. A complete Report the House was entitled to expect, a complete Report he anxiously wished to see, but to nothing short of a complete Report could he give his consent.

Mr. Fox.

Mr. *Fox* said, he had thought it extremely hard and unreasonable in the first instance to expect, that his Hon. Friend, not having the power either of lengthening the existence of the Sessions, or of knowing how long it would exist, should make any report before the House rose; but surely it was much more hard,





hard, and much more unreasonable, after his Hon. Friend had declared, that he had heard every witness, and adduced all the evidence he desired to adduce respecting the facts that he had stated to the House, and was ready to make a report as far as those facts went, to expect that his Hon. Friend could undertake to make a complete Report, when it was recollected that one of the Members of the Committee (Lord Maitland) was rather adverse to the object of the Committee, and had started some new facts, that made their enquiries more extensive. Mr. Fox added, that in his opinion his Hon. Friend had done every thing that could reasonably be expected from him, and had fully answered every promise or expectation that he had held out to the House.

Lord *Maitland* said, it was very true he had stated some facts touching abuses in the Post-Office, during the time a Noble Lord, no longer in that situation, had been at the head of it, and he was free to say, the evidence he had called had not gone as far as he wished, but the Committee having been appointed for the general purpose of enquiring into the abuses of the Post-Office, he had an undoubted right to state such abuses as had fallen within his knowledge. Lord Maitland.

The *Chancellor of the Exchequer* asked when the Hon. Gentleman (Mr. Grey) thought a complete Report could be made. Mr. W. Pitt.

Mr. *Grey* answered, early the following week. Mr. Grey.

The *Chancellor of the Exchequer* said, he was glad a Report could be made so soon. Mr. W. Pitt.

Lord *Maitland* reminded the House, that after the Report was made, it would take three days at least to print it. Lord Maitland.

The Question was at length put and negatived.

#### NEW WRIT FOR LAUDER.

Sir *John Sinclair* gave notice, that he should move for a new Writ for Lauder, in the room of Francis Charteris, Esq; now Lord Elcho. Sir John Sinclair.





Lord Elcho. Lord *Elcho* said, he would oppose any such Motion, as he had not vacated his seat.

---

*Wednesday, May 23.*

Mr. Burke. Mr. *Burke* reported, that he had delivered to the Lords the Seventh Article of Impeachment on Monday last, and had acquainted the Lords, that Warren Hastings, Esq; was in the custody of the Serjeant at Arms, attending that House.

The Serjeant at Arms likewise reported, that he had delivered Warren Hastings, Esq; into the custody of the Gentleman Usher of the Black Rod, and had taken a proper discharge.

Mr. Burke. Mr. *Burke* reported the Eighth Article of Impeachment against Warren Hastings, Esq. The same was ordered to be further considered the next day.

#### P R I N C E O F W A L E S ' S D E B T S .

Mr. W. Pitt. The *Chancellor of the Exchequer* stated at the Bar, that he had two papers, purporting to be the accounts of the several Debts due from his Royal Highness the Prince of Wales, up to July, 1786, to present to the House.

He was desired to bring them up, and the titles of them were, upon Motion, severally read at the Table.

Mr. W. Pitt. The *Chancellor of the Exchequer* then rose, and said, as it had been impossible for the accounts to be made out and authenticated in time for him to have presented them sooner than that day, and as Gentlemen in all probability would like to examine them previous to any Motion being brought forward on the subject, he presumed it would be generally satisfactory for him to move to discharge the Order for taking his Majesty's Message into consideration that day, and afterwards to move a new Order for the next day.

Mr.





Mr. *Vyner* desired to know whether the House was not to be Mr. *Vyner*. furnished with an estimate of the expence of completing the buildings at Carleton House, agreeable to the promise contained in his Majesty's Message?

The *Chancellor of the Exchequer* said, it was by all means his Mr. *W. Pitt*. Majesty's intention to lay the estimate before them; but as yet it was not fully completed. An estimate in gross had been made, but it was thought more proper to have it detailed in a more minute way for the inspection of the House. The amount of the gross estimate that had been made was about 45,000 l. for building, and about 5000 l. for furniture; but it was hoped that when the several *items* came to be particularized, it would be found to fall short of that sum, but at all events there was no danger of its exceeding it.

#### REPORT OF COMMITTEE TO ENQUIRE INTO ABUSES IN THE POST-OFFICE.

Mr. *Grey* brought up the Report from the Committee, which Mr. *Grey*. was read at full length at the table. Mr. *Grey* then moved, "That the Report be taken into consideration on Monday next."

Lord *Maitland* moved to substitute the word "Friday," de- Lord *Mait-*  
claring, that he should oppose any Motion for printing the Re- land.  
port as unnecessary, since it was so short, that any Gentleman might, on a slight perusal, make himself master of its contents, and as it contained a variety of matter, criminating a Noble Lord, high in office, at a period of the Sessions, when it was utterly impossible for any proceeding to be instituted that could afford means of general investigation, or give the party criminated a fair opportunity of exculpating himself.

The *Chancellor of the Exchequer* said, he by no means thought Mr. *W. Pitt*. the distance of Friday sufficient for Gentlemen to read and examine the Report and Appendix, so as to enable them to make up their minds properly and satisfactorily upon it. He should





therefore be for deferring it till Monday, but at the same time he could assure the House, he did not wish to postpone it from any backwardness he felt to meet any thing personal with respect to himself, as he flattered himself would be manifest to every Gentleman when the question came to be debated. He also agreed with the Noble Lord in his objection to having the papers printed, a thing which he thought in delicacy ought to be dispensed with, when it was considered that they not only related to alledged abuses in a public department, in which point of view they certainly ought to be made as public as possible, but that they also went into detail of an altercation and dissension between two Noble Lords, which of course was a subject the House would interfere with as little as its connection with public business would render necessary.

Mr. Grey. Mr. *Grey* said a few words.

The Motion, “ that the Report be taken into consideration on Monday next,” was then put and carried, Lord Maitland withdrawing his Amendment.

Mr. Grey. Mr. *Grey* next moved, “ that a sufficient number of Copies be printed for the use of the Member of the House.”

Alderman Newnham. Alderman *Newnham* rose to support this Motion, declaring, that if there were abuses in the Post-Office, they ought to be publicly known, and that the not printing the Report would look as if the House were afraid of letting the world know, that a Committee of that House appointed to enquire, had reported that abuses existed.

Upon the Question being put, the House divided,

*Ayes*, 16.                      *Noes*, 120.

#### P O O R L A W S.

Mr. Gilbert. Mr. *Gilbert* presented to the House a Report from the Committee, who were appointed at the beginning of the Session to inspect and consider the Returns made relative to the Poor, pursuant to the Acts of last Session. He informed the House, that the Committee had investigated the subject with great labour





bour and attention, and had formed their Report upon facts very interesting and important, which were disclosed by those Returns, and were particularly stated in an Abstract annexed to the Report. He said, he would not take up the time of the House in urging any observations of his own upon it, but would leave the Report to speak for itself, and intreated the attention of the House whilst it was read by the Clerk.

It was then read very distinctly, and the House ordered a sufficient number of copies of the Report and Abstract to be printed for the use of the Members.

#### LORD ELCHO'S DISQUALIFICATION.

Sir *John Sinclair* said, he had no personal motive for bringing forward the motion which he was about to make, least of all did he mean any thing in the smallest degree disrespectful to the Noble Lord opposite to him. That he considered the matter to be of the utmost importance, involving considerations interesting to the constitution of that House, and to the preservation of the rights of the Commons of Scotland, as settled and established by the articles and acts of Union. That, if he was not persuaded the motion he meant to make stood upon the clearest and most self-evident grounds of parliamentary law and precedent, he would not have ventured to have stood up for the purpose of making it. His Motion, he said, would be,

“ That the Speaker do issue his warrant to the Clerk of the Crown, to make out a new writ for the electing a Commissioner to serve in this present Parliament for the district of Lauder, Haddington, Dunbar, North Berwick, and Jedburgh, in the room of Francis Charteris. Esq; junior, of Aimsfield, now become the eldest son of a Peer of Scotland, and thereby incapable of representing the said district in this House.”— But, before he made it, he wished the precedents on which he grounded it, might be read from the Journals: he accordingly desired the Clerk to turn to December 1708, for the pro-





ceedings of the House in the case of Lord Haddo, and the resolution then come to." He accordingly moved, "That the entry in the Journals, 3d of December 1708, of the proceedings of the House, on considering the Act of the Election of Members for Scotland," might be read; and also, "The proceedings relative to Alexander Irvine and others; and the proceedings 25th November 1708, and 27th November of the same year."

Sir John Sinclair next desired the case of Lord Charles Douglas, in 1755, to be read, and then moved, "That the entry, 18th November, 1755," be read; which being done by the Clerk, he made his original Motion.

As soon as the Motion was stated from the Chair, Lord *Beauchamp* desired to know if the Hon. Baronet had found no other precedents.

Sir John  
Sinclair.

Sir *John Sinclair* stated the petition of Mr. Irvine and others, in 1708, as conclusive; but said, there was a precedent on the Journals of Lord Livingstone's case, in 1689, which was read.

Lord Beau-  
champ.

Lord *Beauchamp* after this rose, and argued strongly in favour of Lord *Elcho*, contending that, in point of reason and good sense, he ought to keep his seat. His Lordship quoted a part of the Act of Union, which enacted from that time forward, that the two kingdoms should participate reciprocally in the benefits, advantages, rights and immunities, peculiar to each. Upon this quotation he rested an argument, that to oblige the Noble Lord, in consequence of his having become the eldest son of a Peer of Scotland, to vacate his seat, would be to violate the spirit and meaning of the Act of Union. With regard to the precedents, his Lordship said, they were all cases that had occurred in times of great party violence, and ought not to be relied on as obligations indispensable by the House. In proof of this, he read an extract from Bishop Burnet's History of his own Times, in which Burnet, speaking of the Parliamentary Transactions of 1708, says, "The Court





Court and the Whigs had joined, and were determined to carry every thing their own way ; that the Whigs unblushingly decided elections, without regard to justice, or any other consideration but their own party feelings, against the Tories." With regard to Lord Haddo, his Lordship said, it was notorious that he was a person particularly obnoxious to the powers then in being, and that circumstance considered, the proceedings upon the Journals were not to be wondered at. His Lordship treated the other precedents as of little avail ; and after animadverting on the precedent of Lord Johnston, (which he cited,) his Lordship went into general arguments, to prove, that, till the eldest sons of Scotch Peers had the liberty of sitting in Parliament for Scotch counties and boroughs, in like manner as he and others, the eldest sons of English Peers, had a right to sit in the House of Commons, Representatives of English counties and boroughs, the reciprocity of advantages stated in the Act of Union was not fulfilled. His Lordship said, that he hoped at least the House would not of a sudden deprive the Noble Lord of his seat, but would suffer him to continue to sit a little longer among them ; and at the next General Election, the question, which he contended had never been truly tried, might come fairly to trial before Mr. Grenville's Committee. Lord Beauchamp concluded with moving, " That the consideration of the Motion be adjourned till that day se'nnight."

Sir *James Johnstone* desired to be heard a few words. The Noble Lord had said his ancestors were Tories, whereas the Sir James Johnstone. the very reverse was the case. They were all of them notoriously Whigs. Lord Johnstone was a Whig, and so were his successors. The Noble Lord, Sir James said, had talked of three precedents, but there were six, which he enumerated ; and the Noble Lord had argued against them. What signified an argument against the law of the land ? If the Noble Lord wished to alter the law, let him bring in a Bill, and do it by Act of Parliament. Sir James stated, that, previous to the





Union, it had been the law of the Parliament of Scotland, that the eldest sons of the Peers of Scotland should not sit in that Parliament, and the reason was obvious; the Scotch Peers had too much power already, and that would have given them a great deal more. At that time it was not unusual, when a great Lord wanted to collect a powerful body of vassals to achieve any design, to send out a lighted torch, and if any man refused to take and bear it, to hang him up; it was highly necessary, therefore, to curb the growing power of the Peerage. Sir James said, he might, at one time or other, be a Peer of Scotland himself; the thing was not impossible; and in that case, most probably, he should be an advocate for the rights of the Peerage; but, as long as he had a seat in that House, he should think it his duty to stand up in behalf of the rights of the Commons of Great-Britain.

**Mr. Dundas.** Mr. *Dundas* contended, that Sir John Sinclair's Motion stood upon broad constitutional grounds, and that the precedent of 1708 was unanswerable. He reminded the House, that the case of Lord Haddo, the proceedings thereupon, and the clear distinct resolution the House then came to, all occurred within a year of the settlement of the Union of the two kingdoms, at a time whilst the true intention of the parties who negotiated it was within the recollection of every body, and consequently, that the resolution was to be considered as the rule of conduct laid down for the House, upon the most unquestionable principles. The Noble Lord had talked of the Tories, and of Lord Haddo's being a Tory, when the fact was notoriously otherwise. He asked, Was the Earl of Sunderland a Tory? Was the Earl of Aberdeen a Tory? And all the great men of Scotland of that day? Most certainly not. The fact was, they formed a grand combination, in order to bring the question to a decision, and it was then fully decided.—With regard to what the Noble Lord had said, of suffering the Noble Lord opposite to him to continue to sit till the General Election, in order that the question might be then tried  
before





before Mr. Grenville's Committee, the Noble Lord need not wait till then : let Lord Elcho but go and offer himself for Lauder as soon as the writ was ordered, and if he was returned (and, as he had pretty good interest, in all probability he would be returned) he might then try the question before the Committee early next Session ; for undoubtedly he would find a competitor. Mr. Dundas put this pointedly, and said, that the exact reciprocity of advantages, rights and immunities, stated in the Act of Union, as referred to by the Noble Lord, did exist, as was evident from a Noble Friend of his (Lord Maitland) having, by his own merit doubtless, obtained a seat in that House for an English borough ; and he had no doubt, if the other Noble Lord (Beauchamp) chose to go to Scotland, and spend a little money there, he might be returned for a Scotch township or county. Mr. Dundas, after various arguments in support of the precedent of 1708, concluded with declaring, that he was clear that the Noble Lord was at that time guilty of a breach of privilege, in sitting where he did.

Lord *Elcho* said, there was no precedent for dispossessing the son of a Scotch Peer of his seat, when he had been legally elected, and his title had devolved to him pending the Session of a Parliament.

Lord *Maitland* rose, to complain of the injustice of entail-  
 ing upon the sons of Scotch Peers a disability under which they accidentally laboured, with regard to their own Parlia-  
 ment, at the time of the Union, and reminded the House, that there had been a period when the sons of English Peers were in like manner disabled from sitting in that House. His Lordship observed, that, in order to justify such a gross partiality, Gentlemen were obliged to resort for precedents to transactions that had occurred previous to the Act of Union. He denied that the reciprocity of advantages, stated in the Act of Union, had any existence, while the eldest sons of Scotch Peers could not sit for Scotch boroughs and counties, in like manner that the eldest sons of English Peers sat for English  
 boroughs





boroughs and counties; and declared he would next Session bring in a Bill to put both on an equality.

Mr. Anstruther.

Mr. *Anstruther* desired the Noble Lord would consider what he was about to do, and said, it behoved the Representatives of the boroughs and counties of Scotland, and also the Representatives of the boroughs and counties of England, to reflect very seriously, before they gave their consent to any Bill, the object of which was to alter the Act of Union.

Sir Adam Ferguson.

Sir *Adam Ferguson* rose merely to say, that the Noble Lord's objection was not solid, when he had said that there was no precedent of a Scotch Peer's eldest son being obliged to vacate his seat, when his title had devolved upon him during a Session of Parliament, of which Parliament he had been legally chosen a Member. Sir Adam mentioned the case of Mr. Mackenzie, whose father was created Viscount Beltarbat, in consequence of which he of course vacated his seat, as a case in point.

Sir John Sinclair's Motion was carried.

*Thursday, May 24.*

HIS MAJESTY'S MESSAGE—PRINCE OF WALES.

The Chancellor of the Exchequer moved the Order of the Day, for taking his Majesty's Message into consideration,—whereupon the Speaker read the Message from the Chair; after which

Mr. W. Pitt.

The *Chancellor of the Exchequer* rose, and observed, that nothing could more fully prove his Majesty's true affection for his subjects, than the regret which he at all times felt, when obliged to make any application to Parliament that could tend to the imposition of new burthens upon them. But at the same time, he was himself persuaded that there was no burthen which that House and the public would so cheerfully acquiesce in, as one which tended to promote the comfort and interest of any part of the Royal Family, particularly so distinguished





a branch of it as the Prince who was the object of the present application.—He was convinced that every Gentleman would rejoice with him, that the business came forward in its present shape and channel, instead of any other, as there could be none so correspondent to the constitution, so respectful to the illustrious family who were concerned, nor so consonant to the interests and real dignity of the Prince himself.—[A loud cry of *Hear!*]—His Majesty, while he thus complied with the wishes of his Royal Highness, had not been unmindful of the ease and interests of his people; the Prince had consented to such a system of payment as should secure his expences not exceeding his income, and his Majesty had taken such measures as would prevent the possibility of any future application to Parliament on this subject, by a permanent addition to the Prince's establishment, without recurring to Parliament for the money, but out of his own Civil List.—With regard to what was past (which certainly was not so material an object as that which was to come)—but with regard to that, his Majesty had done all that lay in his power, for the satisfaction of the House, in submitting to their inspection a state of the Prince's affairs, from which they might judge of the necessity there was for this relief; but he imagined that Gentlemen would not think of instituting any very strict scrutiny into the state and nature of that account, not only out of personal respect to the exalted character whom it concerned, but because it was a circumstance that never could occur again, as long as his Royal Highness continued in his present situation. He should therefore move an Address to his Majesty, in answer to the Message that had been read, in which the House should undertake to comply with the request of his Majesty; and which Motion, he hoped and believed, would meet with no one dissenting voice as he was convinced that no real well-founded objection could be made, in thus gratifying, in a point so essential to his feelings, a Monarch, who, while his affection as a father inclined him to extend his indulgence to his





his son, had not been unmindful of the higher and more important duties of his public character, as the common Father of his People. He then moved the following

A D D R E S S.

“THAT an humble Address be presented to his Majesty, assuring his Majesty how sensibly this House, at all time, feel the gracious proofs of his Majesty’s constant attention to the interests of his people, particularly in the directions which his Majesty has given for making an additional allowance to his Royal Highness the Prince of Wales, out of his Majesty’s Civil List, in order to remove every possible doubt of the sufficiency of his Royal Highness’s income to support amply the dignity of his situation, without occasioning any increase to the annual expence of the public.

“That it is with the greatest satisfaction this House learns that his Royal Highness has given his Majesty the fullest assurances of his Royal Highness’s firm determination to confine his future expences within his income, and has settled such regulations as his Majesty trusts will effectually secure the due execution of his Royal Highness’s intention.

“That his Majesty may depend on the zeal and affectionate attachment of his faithful Commons, to afford his Majesty the assistance he desires for the discharge of his Royal Highness’s debts, and that, in full reliance on the assurances which his Majesty has received, this House humbly desires that his Majesty will be graciously pleased to direct the sum of One Hundred and Sixty-one Thousand Pounds to be issued out of his Majesty’s Civil List for that purpose, and the sum of Twenty Thousand Pounds on account of the works at Carleton-House, as soon as an estimate shall be formed, with sufficient accuracy, of the whole expence for completing the same in a proper manner, and to assure his Majesty that his faithful Commons will make good the same.”

Resolved, *Nemine contradicente*,

That the said Address be presented by Privy Counsellors.

*Monday,*





*Monday, May 28.*

IMPEACHMENT OF WARREN HASTINGS, ESQ.

The further Articles of Impeachment against Warren Hastings, Esq; late Governor-General of Bengal, were read and agreed to; and Mr. Burke directed to carry the same to the Lords.

Major Scott said, I hope, Mr. Speaker, the House will have <sup>Major Scott.</sup> the indulgence to hear me, for a few minutes, upon the subject now under consideration. Last year the Right Hon. Gentleman (Mr. Burke) brought before this House a number of Charges or Articles against Mr. Hastings. One of this number was intitled “Misdemeanours in Oude.” In this Session, several days were appointed for taking the article into consideration, and, upon one pretence or other, the day was put off; but about ten days ago it was the subject of debate.—I opposed the Charge in the Committee of the whole House, as very nonsensical, and containing matter highly meritorious, instead of being criminal. It was, however, determined that the Charge, intitled “Misdemeanours in Oude,” contained impeachable matter, and it was referred to the Committee appointed to draw up the Articles of Impeachment, in order that they might, from that Charge, form an Article.—On Friday last these Articles were brought up; for, instead of being one Article, they are twelve. I saw them, and they took me an hour and a half to read, even in a cursory manner; but I am sure no other Member of this House saw them on that day. They were read, and ordered to be printed, when the House was on the point of rising on Friday, and when no Gentleman seemed disposed to listen to a word upon the subject of them. I came down to this House on Saturday, for a copy of the Articles, but it was necessary to keep them here until the engrossed Articles were examined; so that, in fact, they did not go to the press until Saturday noon; and this day, at  
one





one o'clock, such Members as happened accidentally to be down at so early an hour, had an opportunity of getting them. The case therefore is this, that the Commons of Great-Britain are, at this instant, about to proceed to the most solemn act they can execute, without knowing one word about the matter; for I will venture to assert, that not ten Members of this House have read the Articles; and I firmly believe that no Member, in or out of the House, has read these Articles, except the Right Hon. Gentleman (Mr. Burke) and myself, and I have only had an opportunity of reading them over cursorily. If it is decent and proper, that the Commons of England, after voting an Impeachment, should be perfectly indifferent as to what articles are sent up, I have no more to say; but if it is of importance that we should know what it is we send to the Lords, I hope Gentlemen will read the Articles which I hold in my hand; if they do, I am sure they will never dignify such nonsense, so far as to say solemnly, at the Bar of the House of Lords, that the Knights, Citizens, and Burgeesses, in behalf of themselves and the Commons of England, present such trash, as Articles of Impeachment; but, in every point of view, the proceeding is absurd and ridiculous. I have been told, that I ought to have made my opposition on Friday, and that, in fact, the Articles were then passed, and the present question is only, who shall carry them up? If that is indeed the question, I am indifferent about it. But what, in the name of God, then did we mean by ordering these Articles to be printed. If the Commons of Great-Britain passed these Articles on Friday, without one man reading them, why are they printed now, that we may discover the absurdities in them, when we cannot apply a remedy to them. I have done my duty, Mr. Speaker. I think the whole business is disgraceful and dishonourable to the House, and have exposed it. I am against these Articles, at the only moment in which I have a chance of being heard; but if the Articles are really passed, I say the House has been betrayed into the passing of  
Articles,





Articles, which, I believe in my conscience, no Member has read but myself, and I have only read them cursorily; but I am sure there are not ten Members who have, or indeed could have read a line of them. Yet, in defiance of truth and common sense, we pass them with less form than we would a Turnpike Bill, and we solemnly say, at the Bar of the House of Lords, that they are Articles of Impeachment against Warren Hastings, Esq; by the Knights, Citizens, and Burgessees, in Parliament assembled. If this House thinks such a proceeding consistent with its dignity, let it pass in the name of God, I will not divide the House upon it.

## A B U S E S I N P O S T - O F F I C E.

The Order of the Day for taking into further consideration the Report of the Committee appointed to enquire into the Abuses that prevailed in the Post Office, having been read,

Mr. Grey rose, and began with observing, that after what Mr. Grey. had passed, it would be unnecessary for him to trespass long on the patience of the House; he would therefore shortly touch upon the several facts stated in the Report, in order to shew, that every abuse he had opened had been so fully substantiated by evidence, that no man would venture to call any one of them in question. Mr. Grey said, he should not wonder if the Charges he had made, although fully established by proof, should appear light and trivial in the eyes of the House, or at least be so stated by those, who might think proper to oppose the Motion he should have the honour to make. All Charges must indeed appear light and trivial when compared with those enormous and flagitious Charges, in the investigation of which the House had been so long and so solemnly engaged; but though he did not bring forward Charges of unequall'd oppression, rapacity, and corruption, of the most unprecedented plunder of lacs and crores with the one hand, and the most unexampled and lavish waste of them with the other; yet the Charges he urged were not in themselves





selves of a light and insignificant nature; they consisted of charges of gross malversation in office, of illegal bargain, and sale of public situations; of connivance at fraudulent abuse, of dismissal and disgrace of those who had shewed themselves anxious for reform, and of countenance and protection extended to those who had opposed reform. Having made an exordium to this effect, Mr. Grey proceeded to mention the different facts in the order in which they are noticed in the Report of the Committee, and first he desired to call the attention of the House to the sum of 350*l.* annually paid by Mr. Lees, Secretary of the Post-Office in Ireland, to a person no otherwise known, but by the letters A. B. although it appeared that the person so described was Mr. Treves. He commented upon this fact as the most important of any stated in the Report, and contended, that it was not only an indirect and undue application of the public money, but contrary to law, and as such highly deserving of censure. He expatiated on the evil tendency of such an illicit contract, and maintained that it was clearly wrong in the conception of Lord Carteret himself, from the secret and concealed manner in which the transaction had been veiled from the public eye, and from the great concern shewn by the Noble Lord upon its having been discovered in the narrative of Mr. Lees, that Mr. Treves was the person who was described by the letters A. B. He mentioned also Mr. Todd's declaration before the Committee, that such a transaction was unprecedented, and that he had expressed his disapprobation of it to the Post-masters General at the time it took place, and laid considerable stress upon that circumstance. After a variety of expressions of reprehension upon the first fact, he proceeded to the second stated in the Report, viz. that of a payment of 200*l.* a year, which had been exacted from Mr. Dashwood, appointed to the office of Post-master General in Jamaica. This also was in favour of Mr. Treves, who had never performed any public service in the Post-Office, or in any other public department to entitle

him





had been passed above two years, and the House had heard of no Report. The Commissioners of Accounts on the contrary, who had been so ill-treated, as to have a Secretary of the Treasury sent down to a thin House, to move a cold Address to his Majesty respecting them, when scarcely any of the Members present knew what was doing; those Commissioners had been appointed in Spring, and in November they brought in their first Report, and by the time their commission had existed two years, they had presented seven Reports. If, therefore, the Commissioners under the Right Hon. Gentleman's Bill could not find time to enquire into the abuses of the Post-Office, and proceed to the reform of those abuses, the Commissioners of Accounts ought to have been directed to do it; but from the whole complexion of the case it was clear that the Right Hon. Gentleman had not been sincere, when he had either in that instance, or any other, dealt so largely in professions of his wishes of reform; if he had, that House must before that time have seen some fruits of so much promise; whereas there were not any traces to be found of real reform of office. Speaking of the dismissal of Lord Tankerville, Mr. Grey said, his noble relation had been sacrificed for the sake of arrangements in favour of a Noble Lord, who had seated the Right Hon. Gentleman in his present situation, and whose nod could dismiss him from office; the Noble Earl had been sacrificed in favour of that Noble Lord, who had been well described by an Hon. Friend of his as of so much weight and importance, that whole administrations had been put in the scale against him and found wanting.—After some warm expressions on this topic, Mr. Grey concluded with observing once more, that all the facts he had opened to the House had been fully proved, and therefore he moved,

“ That it appears to this House that great abuses have prevailed in the Post-Office, and that the same being made known to his Majesty's Ministers, it is their duty, without loss of





time, 'to make use of such measures as are in their power to reform them.'"

Sir John  
Aubrey.

Sir *John Aubrey* in a short speech, highly complimented the Earl of Tankerville for the part he had acted in bringing forward such an enquiry. He said, that the abuses stated had been all proved, and that had not the Noble Earl acted as he had done, he would himself have been an offender. Sir John concluded his panegyrick with declaring, that he was proud of the opportunity of doing justice to the character of a Noble Lord, so nearly connected with him by alliance and by friendship.

Lord Mait-  
land.

Lord *Maitland* said, he must necessarily intrude somewhat longer than usual on the patience of the House, but he would compress what he had to say as much as possible. His Lordship then declared the Report to contain facts of the most stale, trivial, and unimportant nature that had ever engaged the attention of a House of Parliament; the only difference that there was between the present complexion of those facts and its former one was, that which had been in almost every body's hand without doors as a narrative of facts, was now dignified with the form and title of a Report of the House of Commons. In order to prove this, his Lordship proceeded to investigate each separate fact, and to describe it in its true light. The first was a grant of 350 l. a year to Mr. Treves, an intimate friend of Lord Carteret, which was no charge whatever to the public, nor any impediment to the public business, but was, with the consent of the party most interested, paid out of the existing emoluments of the office of Secretary of the Post-Office in Dublin. That such a measure was not strictly justifiable he was ready to admit, but it was by no means unprecedented, and compared with the transactions in every public office only ten years ago, it was purity itself. Nor indeed had it been even insinuated, that it originated in any thing like a corrupt motive in Lord Carteret. His Hon. Friend had laid great stress on the opinion of Mr. Todd, respecting the transaction. That opinion, he must take leave to say, was of no authority in that House





House upon a point which every Gentleman present was to the full as competent to judge about as Mr. Todd. The next transaction was, that of Mr. Dashwood, Post-master of Jamaica, which was, as the Hon. Gentleman had stated it, exactly similar to that of the 350 l. and therefore required no new observations. With regard to the permission of Mr. Molyneux to resign the agency to the Helvoetsluys packet boats to Mr. Hutchinson, that was a transaction founded in a charitable intention to relieve an unfortunate man from prison, and if there were any criminality in the transaction, it was as much imputable to Lord Tankerville as to Lord Carteret, since the Noble Earl had taken as great a part in it as the Noble Lord, but in his opinion there was no criminality imputable to either. His Lordship went into the other facts stated in the Report, and commented upon each, with a view to shew that it was either not personal to Lord Carteret, or of a trivial nature. With respect to the  $2\frac{1}{2}$  per centage allowed to the person who managed the packet boats, he said, that appeared to him to be the most important abuse of all that were stated in the Report, and Mr. Todd was himself as ready to admit that it was so, as any man living, though he had acted with so much guard over himself, as to be ready to submit all the actions of his official life to the strictest scrutiny. His Lordship said, the misunderstanding that had prevailed between Lord Carteret and the Earl of Tankerville, did not arise, as had been said, in consequence of the former's opposing the latter's endeavour to reform certain abuses, but had begun much earlier, and upon far different grounds. His Lordship read a letter from Mr. Todd to the Noble Earl upon the subject, and the answer, in which the Earl declined following the advice Mr. Todd was so ready to give him unasked, and charged Lord Carteret with having taken up the affair of Mr. Dashwood (recommended by Lord Tankerville to the office of Riding Surveyor) with too high a hand. In the Earl's letter, his Lordship said, he did not find that he *cooled* very fast with respect to the transaction alluded to,





and used other expressions indicative of warmth. With regard to the dismissal of Lord Tankerville, his Lordship defended the measure, and took notice of what Mr. Grey had said of the arrangements in favour of Lord Hawkesbury, declaring, that that Noble Lord's name was an excellent ingredient in a recipe to render any thing unpopular. Upon the whole, Lord Maitland said, the abuses stated in the Report were not of the magnitude to call for the investigation of that House, but might fairly have been left to the correction of those at the head of the Office, or for the examination of the Committee acting by virtue of the authority given them by the Right Hon. Gentleman's Office Reform Bill; which Committee, his Hon. Friend, in like manner as Lord Tankerville had all along done, had confounded with the Commissioners of Accounts. His Lordship said he should move to have the Office Reform Bill read, and that he would then move the previous question, meaning afterwards to move that the farther consideration of the Report of the Committee be put off for three months. He moved to have the Act accordingly read, and it having been read *pro forma*, his Lordship moved the previous question.

Commodore  
Bowyer.

Commodore *Bowyer* rose to confirm the assertion that the Post-Office Packets were concerned in smuggling. He stated several distinct facts to prove this, and particularly detailed all the circumstances of one case, in which the vessel, instead of being sold, and half the money paid according to law to the Captain and crew of the ship that seized her, was valued, and a third only paid to the Captain and crew, and the Packet given back to the Captain who had been guilty of smuggling. The Commodore spoke of the built of some of the Post-Office Packets, declaring that they had false floors and ceilings to the cabin, and he had even heard of their having hollow beams, the better to conceal contraband articles.

Mr. Baring. Mr. *Baring* rose, as one of the Commissioners under Mr. Pitt's Office Reform Bill, and gave an account of their labours. He said, they had first gone into the Old Board of Trade Office,  
next





A. 1787.] D E B A I E S.

next into the Secretary of States Offices, and then to the Admiralty Office; from thence into the Office of the Treasurer of the Navy, and that they were now in the Navy Office. He declared, they were not directed by the Act to make Reports to that House, but to the Lords of the Treasury; therefore the Hon. Gentleman need not be surprised at not having heard of any Report from them. The fact was, that they had made three Reports long ago, and the reason why they had not made another before now, was, the extreme arduousness of their present object of enquiry, since they found the Navy Office and Admiralty Office so connected, that in order to make a complete Report, they were obliged to go back from one to the other. Mr. Baring spoke of the difficulty of their duty in strong terms, asserting, that he could sooner make an entire Report like those of the Commissioners of Accounts, than write a single line of the Report that ought to come from that Committee of which he had the honour to be a Member.

The *Chancellor of the Exchequer* said, that he should not Mr. W. Pitt. think it necessary for him to take up much of the time of the House with what he had to say upon the subject; it would, indeed, be unpardonable in him were he to do so after the very ample elucidation that had been made by the Noble Lord of the general question, and the explanation that had been given by an Hon. Gentleman as to a particular part of it. Neither did he imagine the House would expect that he should take much notice of what had fallen from the Hon. Gentleman, who introduced the business, of a direct personal tendency against himself, as that (at least a great part of it) certainly was by no means connected with the subject then under discussion; but he could not but observe upon the singularity of the Hon. Gentleman's conduct, who began his political career in an early part of the session, by an opposition (a reluctant one as he had himself said) to a particular measure of Government, and who had accompanied that opposition with professions of great personal regard and respect for him, and of a desire, as far as he could do





it consistent with his duty as a Member of Parliament, to give his general support to Administration, and had particularly disclaimed the character and imputation of being what was called a party man. Whether he had deserved those sentiments of respect with which the Hon. Gentleman had complimented him, or not, of this he was at least convinced, that since that period he had done nothing to forfeit them; nay, the very subject that had been made use of by the Hon. Gentleman, as a channel for censure and accusation against him, was a subject, every circumstance of which had taken place long before, and had been known to the Hon. Gentleman according to his own statement, even previous to his having a seat in that House. Notwithstanding those professions of a reluctance to oppose Government, of respect to Administration, and of disclaiming the character of a party man, he could not but say, that he thought the present a wanton attack on Government, and that it was conducted in a manner highly personal and disrespectful to him, and besides favoured very much of the utmost asperity of party. With respect to the subject itself, it appeared to him exactly in the light in which it had been stated by the Noble Lord, as by no means of consequence sufficient to be made a subject of Parliamentary enquiry; all that could be done in the work of reformation ought to be done by the executive Government, and in such trivial instances a resort only had to Parliament, when it should appear that Government had obstinately neglected that necessary part of their duty; but he left it to the judgment of the House, whether Administration had been guilty of such neglect in the Act of Parliament, that had just been read, for the purpose of ascertaining whether or not he had been remiss in the business. The House had seen in that Act a full provision for every necessary reform; and full powers given to the Commissioners for that purpose. The Hon. Gentleman not being able to charge him with having omitted the Post-Office in that Act, had complained that the Commissioners had delayed to enter upon that part of their duty; all that was necessary for him

him





him to say upon that head was, that the Commissioners had not been idle, and then the question would be, whether the Post-Office was of that rank and importance, compared with the other Offices that had been examined, or the abuses in it of such glaring and prominent magnitude, as ought to have intitled it to a prior attention. This he by no means thought could be alledged; for independent of any superiority in point of importance, it had been thought adviseable to begin with departments of the very highest rank, in order to remove any impression there might be that the examination of the Commissioners was a derogation from the dignity of those who presided over the several offices. This idea was totally removed in the subordinate departments by the higher ones having first submitted to it. In pursuance of this principle, the Commissioners had began with the Treasury, then they had gone to the offices of the Secretaries of State, from thence to the Admiralty, and afterwards to the Navy-Office; and he believed no Gentleman who knew the nature of that department, would wish its examination and reform should be delayed a single hour. It was evident then, that with respect to the object of reform in that office, Government had done all that lay in their power, and had already put it into such a train as the Legislature had approved of by passing a law for the purpose. The object of the motion then could not be to provide for a reform, for that was effectually done already, but must be for the purpose of censuring a Noble Lord at the head of the Post-Office, for supposed abuses, or more probably of casting a reflection upon him for the part he had taken in the arrangement by which the Noble Earl had been removed from it. With respect to the latter, he apprehended the House seemed to feel pretty much the impropriety of entertaining such a discussion; it certainly belonged solely to the executive Government to dispose of the several public employments; and Parliament would be very cautious how it attempted to control or question the discretion with which that power was exercised. It certainly had been found  
necessary





necessary to remove one or other of the Noble Lords, as their differences had got to such a height that they could not even sit in the same room with satisfaction, and that discretion with which Government was invested had led them to determine the alternative against Lord Tankerville. The necessity of removing one of those Noblemen, and the vacancy that must follow from such removal, had afforded an opportunity of accommodating a Noble Lord (Hawksbury) who had been alluded to, and whom Gentlemen might allude to as often as they pleased, in the way in which they did, so long as he was persuaded that every favour which had been conferred upon that noble person, since he had any share in his Majesty's Councils, had been fully earned by the most able and meritorious services; but the vacancy was not made for the sake of accommodating Lord Hawksbury, as it was evident that the two Noble Lords could not possibly continue to act together, and whether Lord Tankerville or Lord Carteret had been removed, it would have made no difference with respect to Lord Hawksbury, for in either case there would have been an opening for him. Besides, there certainly was nothing personal intended against Lord Tankerville, for at the very moment of his removal from the Post-Office, there was an arrangement set on foot for the purpose of accommodating him, but his Lordship would not listen to it. With respect to the charge against Lord Carteret, of the annual allowance made to Mr. Treves, out of the salary of Mr. Lees, it certainly was an abuse, and one which that House ought not to countenance; he was sorry to say it was an abuse that was to be met with in many other public departments, but that was certainly no excuse, as it was by no means a fit way of providing even for a deserving servant of the public, much less a person who had no claims upon the State; for if the salary of an employment were too great for the duty, it ought to be reduced, and if it were not too great, it was injustice to make it less, by charging it with a provision for a person who did not do his duty. Still there were instances in which it might be allowable,





allowable, as where a person became superannuated, and incapable of doing the duty of his office, it was but natural to grant him a support out of the income of his successor, and that successor might think himself sufficiently compensated for the smallness of his present profits by the prospect of a future increase, by the falling in of the pension. This was the state of the case with respect to Mr. Barham and Mr. Lees, and with that part of it only, had he any concern. Notwithstanding the indignation and warmth which the Noble Earl might now feel, and which it appeared he had so very amply communicated to the Hon. Gentleman, he remembered the time when the Noble Earl had thought much more mildly on the subject—as he could take upon him to say, from his recollection, that the Noble Earl had been extremely urgent with him to consent to an allowance to Mr. Lees, as a compensation for the sum paid by him to Mr. Treves. But upon the whole those circumstances, as well as those which related to Mr. Hutchinson and Mr. Molyneux, although improper, were not attended even with any imputed circumstances of corruption on the part of Lord Carteret, nor did he imagine that any Gentleman wished to carry the business so far as a censure against that Nobleman; on the contrary, he was fully satisfied that he himself was the only object of hostility. For all these reasons he should most heartily concur with the Noble Lord in voting for the previous question.

Mr. *Sheridan* said, it was extremely natural for the Right Hon. Gentleman, notwithstanding his concern for Lord Car-<sup>Mr. Sheridan.</sup>teret, to take notice of that part of his Hon. Friend's speech first, which more immediately related to himself. The Right Hon. Gentleman had with great apparent firmness animadverted upon what his Hon. Friend had said, but the Right Hon. Gentleman must excuse him if he did not give entire credit to the manner of his answer; but on the contrary, took the liberty of asserting that the Right Hon. Gentleman did feel, and severely feel the reprehension of his Hon. Friend. With regard





regard to the words which the Right Hon. Gentleman had quoted of his Hon. Friend's first speech in that House, the Right Hon. Gentleman had not quoted his Hon. Friend correctly; if he had done so, the House would have seen that his Hon. Friend was by no means chargeable with inconsistency. His Hon. Friend had not professed personal respect to the Right Hon. Gentleman, he had only said, he gave him credit for the goodness of his intention in the measures that he brought forward, and therefore he hoped the Right Hon. Gentleman would give him credit, when he asserted that in opposing the measure at that time under consideration [the Commercial Treaty with France] that his motive was an honest one. This was, Mr. Sheridan said, a true description of what had then passed. With regard to any thing his Hon. Friend had said, that might be improper, when he considered the talents and the ability that his Hon. Friend had shewn at his onset and ever since, though he must undoubtedly be called a *young* Member, yet he would agree with the Right Hon. Gentleman, that such a young Member was as little pardonable for any error as the oldest Member of the House; on the present occasion, however, he must contend that his Hon. Friend had not merited the reproof, that the Right Hon. Gentleman, the *veteran* statesman of *four years experience*, the *Nestor of twenty-five*, had been pleased to bestow on him. Mr. Sheridan having said this, proceeded to the main question, and reminded the House that he had opposed the Bill called the Office Fee Reform Bill, when originally brought in as a Bill of ostentation and parade, rather than a Bill likely to prove of solid advantage and utility; and he was now convinced it had been what he then described it to be, since it appeared from what the Hon. Gentleman near him [Mr. Baring] had said, that the Commissioners had begun at the wrong end, and gone in search of abuses where no abuses could have existed. The Hon. Gentleman had said, the Commissioners went first into the Office of the Old Board of Trade;





Trade; a pretty curious beginning, to search what abuses had been formerly practiced in an Office that no longer existed!—They had next gone into the Secretaries of States Offices, the offices of all others least likely to be pregnant of abuse; if there was any abuse there, Mr. Sheridan said, it was that the Deputy Secretaries of State, whose duty was arduous and important, were by no means sufficiently paid. But it was in vain to say what the Commissioners had done since the Hon. Gentleman confessed himself unfit to be a Commissioner, for he had expressly told the House, that it had cost him more trouble to write a single line of a Report, than it would take him to pen an entire Report of the Commissioners of Accounts. The Right Hon. Gentleman's Bill, Mr. Sheridan said, he had never considered as an exclusion of all future enquiry, and yet from the Right Hon. Gentleman's argument of that day, he seemed so to regard it, for notwithstanding that the facts stated in the opening of the present subject by his Hon. Friend had all of them been substantiated and established by evidence, yet the Right Hon. Gentleman was for leaving them for the correction of the Commissioners, when they should have leisure to attend to them. • It appeared, indeed, that the Right Hon. Gentleman had surrendered his understanding when he brought in the Bill, and was determined to hear only with Mr. Baring's ears, and to see with the eyes of Sir John Dick. Mr. Sheridan read a clause from the Bill to shew, that the transactions relative to the 350l. and the 200l. as well as the affair of the agency to the Helveticus packets, come directly within the meaning of the clause, declaring, that any person or persons guilty of such practices should be incapable of serving his Majesty in any civil capacity in future. He commented on this with his usual ingenuity, and wished Mr. Palmer's accelerating principles could be applied to the Commissioners under the Office Fee Reform Bill, declaring they were not to be accused of too much celerity, but moved as slowly as the old mail travelled;  
after





after a variety of shrewd observations, he said he should vote for the original Motion.

Mr. Rolle. Mr. *Rolle* said, he had not intended to say a word in the debate, but the Hon. Gentleman who made the first Motion had talked of a Noble Lord's having given the Right Hon. Gentleman his situation, and that he could dismiss him with a nod. Such language, Mr. Rolle said, was neither decent nor respectful to the House. With regard to the Right Hon. Gentleman coming into office, he could speak; as to his dismissal, he hoped it would be long enough before he should be able to speak of that. The Right Hon. Gentleman had come into office on the voice of the people. He himself had carried an Address to the Throne, congratulatory on that event, and similar Addresses had been sent up from all parts of the kingdom. Mr. Rolle added some observations on the conduct of Mr. Fox and other Gentlemen at the time, and declared, that as to the abuses in the Report, they appeared to him to be too insignificant to require the interference of that House; the Commissioners under Mr. Pitt's Bill were the properest persons to correct them. With regard to the misunderstanding between the two Noble Lords, lately at the head of the Post-Office, as far as he understood the matter, it was a contest between them, which should have the largest share of the loaves and fishes. As a proof that the Right Hon. Gentleman had done more than make professions of purity and reform, Mr. Rolle mentioned the saving of Colonel Barre's pension to the public, and said other acts of the same kind had characterized Mr. Pitt's conduct. He recommended the abolition of the office of Joint Post-master General, as one person could, he thought, do all the duty of the office.

Mr. Martin.

Mr. *Martin* said, he was equally a stranger to both the Noble Lords, but the abuses in the Post Office were such as called for immediate remedy; and as an Hon. Gentleman near him had said it would be a considerable time before the Commissioners





---

T H E  
D E B A T E S  
A N D  
P R O C E E D I N G S  
O F T H E  
H O U S E O F L O R D S.

---

*Tuesday, January 23, 1787.*

**H**IS Majesty came in the usual state to the House at three o'clock; and after being seated on the Throne, with the proper Officers of State on each side, his Majesty was pleased to make the following most gracious speech to both Houses of Parliament; the Speaker, with the Commons, being at and below the Bar:

*“ My Lords and Gentlemen,*

*“ I HAVE particular satisfaction in acquainting you, that since I last met you in Parliament, the tranquillity of Europe has remained uninterrupted, and that all foreign powers continue to express their friendly disposition to this country.*

*“ I have concluded a Treaty of Navigation and Commerce with the Most Christian King, a copy of which shall be laid before you. I must recommend it to you to take such measures as you shall judge proper for carrying it into effect; and*

*B*

*I trust*





I trust you will find that the provisions contained in it are calculated for the encouragement of industry and the extension of lawful commerce in both countries, and by promoting a beneficial intercourse between our respective subjects, appear likely to give additional permanence to the blessings of peace. I shall keep the same salutary objects in view in the commercial arrangements which I am negotiating with other powers.

“ I have also given directions for laying before you a copy of a convention agreed upon between me and the Catholic King, for carrying into effect the sixth article of the last treaty of peace.

“ *Gentlemen of the House of Commons,*

“ I have ordered the estimates for the present year to be laid before you, and I have the fullest reliance on your readiness to make due provision for the several branches of the public service.

“ The state of the revenue will, I am persuaded, continue to engage your constant attention, as being essentially connected with the national credit, and the prosperity and safety of my dominions.

“ *My Lords and Gentlemen,*

“ A plan has been formed, by my direction, for transporting a number of convicts, in order to remove the inconvenience which arose from the crowded state of the goals in different parts of the kingdom; and you will, I doubt not, take such farther measures as may be necessary for this purpose.

“ I trust you will be able in this Session to carry into effect regulations for the ease of the merchants, and for simplifying the public accounts in the various branches of the revenue; and I rely upon the uniform continuance of your exertions in pursuit of such objects as may tend still farther to improve the national resources, and to promote and confirm the welfare and happiness of my people.”

The





The Lord Chancellor then read his Majesty's Speech; which was afterwards read by the Clerk at the table.

Lord *Rochford* then rose, and moved for an humble Address, which was seconded by Lord *Dacre*, and being agreed to by the House, a Committee was appointed to draw up the same, which being reported and consented to,

It was ordered that the Lords, with white staves, do wait on his Majesty, humbly to know when he will be pleased to receive the same.

*Tuesday, February 13.*

#### COMMITTEE OF PRIVILEGES.

At four o'clock Lord *Scarsdale* took his seat as Chairman of the Committee of Privileges, and having read the Order of the Day for the Committee to sit, and the Lords to be summoned,

Lord *Stormont* rose, and opened to their Lordships the subject on which he had given them the trouble of attending; a subject which, though it lay in a narrow and confined compass, was, in his Lordship's opinion, of infinite importance to the dignity of that House, as a House of Peers, and particularly injurious to the Peerage peculiar to that part of the kingdom to which he properly belonged. That House, their Lordships would be pleased to recollect, consisted of two different descriptions of men, though equal in rank, and known by the same denomination. One description comprehended the majority of their Lordships, who sat as hereditary Peers; the other description included the Sixteen, of which number he had the honour to be one, who were elective Peers, and sent there as the Representatives of the Peerage of Scotland. Antecedent to the Union of the two kingdoms, that now constitute the island of Great-Britain, their Lordships could not have to learn, that Scotland had a Parliament of her own, in which the Peers were here-





ditary Peers of Parliament, as well as many of their Lordships ; but that wise measure taking place, for wise it undoubtedly was, considered with regard to the general welfare and good government of the united kingdoms, much difficulty occurred preceding its final adjustment, and, among other circumstances of that complexion, by no means the smallest, was the manner of settling by what mode of representation the people of Scotland, the Peers as well as the Commoners, should hold their share in the legislative Government of Great-Britain. As every individual could not, for obvious and striking reasons, take a personal part in Parliamentary Councils, a virtual representation was the mode resorted to, as the only practicable means of securing the object. Virtual representation in the British Senate, therefore, was the compensation given to Scotland for the abolition of her own Parliament ; and her nobles and natives, with a degree of fortitude that did them honour, made a voluntary sacrifice of their most valuable privileges to the public and general convenience. The sixteen Scotch Peers were sent therefore as representatives to Parliament, but as free agents, not tied down to their instructions, as the Members of a Polish Diet were, and as some great and respectable men had held British Members of Parliament might be ; that was a doctrine, however, that he denied, and ever must contest. Having stated these historical facts, and said *hæc in fœdera* Scotch Peers came into the British House of Lords, his Lordship appealed to the good sense and justice of the House to decide, whether when that was restored for which a compensation had been given, the person to whom it was restored could either in right or in reason hold his share of the compensation ? In other words, if Peers who had by themselves, or their ancestors, consented to abandon their hereditary seats in Parliament, and submitted to become representative Peers, merely elective at the option of the majority of the voices of their brother Peers, were afterwards honoured through the favour of the Crown, with new hereditary seats, could they, or ought they to con-

tinue





tinue to sit in the double capacity of Peers in their own right, and as elective Peers? His Lordship strongly pointed out the necessary distinction between a virtual and an individual representative, and argued that the moment a virtual became an individual Peer, from that moment his functions as a virtual Peer, acting as the representative of others, ceased. Having thus established his premises, his Lordship proceeded to state the case to which he meant his reasoning to apply:—Two Peers, highly respectable in character as in rank, who had been elected by the Peerage of Scotland as two of the sixteen Peers, their representatives in the present Parliament, had lately, through the gracious favour of his Majesty, been gifted with English honours. This instance of good fortune the Peerage of Scotland were so far from envying, that they knew the honours to be worthily bestowed, and rejoiced at the circumstance; but as the Treaty of Union (and when he called it by that name, he did so, meaning to comprehend the Act passed in the Parliament of Scotland, previous to the passing of the Act under the same title in England) expressly stipulated, that the Scottish Peerage should be represented by sixteen Scottish Peers, chosen by the whole of the Peerage of Scotland. He contended, therefore, that the Scottish Peerage had not been virtually and completely represented from the time that the English honours, to which he had alluded, had been bestowed on the two Scotch Peers in question. In support of his argument, and to prove that his reasoning was fair and warranted, Lord Stormont quoted the precedent of 1709, when the vote of the Duke of Queensberry, who had been created Duke of Dover, and had, nevertheless, given his suffrage at the election of the sixteen Peers to represent Scotland, was, by a resolution of the House, set aside, and declared to be null and void. His Lordship dwelt upon this case for some minutes, and ascertained its analogy to the case that he had just stated. If the Duke of Queensberry's sitting in that House, as an English Peer, vitiated his vote as an *elector* of the Scotch Peers, he contended, *a fortiori*, that an English Peer,





or as it now more properly was termed, a British Peer, could not sit as one of the *elected*.—He put this into various points of view, and reminded their Lordships, that since the Union the British Peerage had increased so much, that the number of sixteen representative Peers for Scotland, bore no sort of proportion to the comparative state of the Peerage of the two kingdoms, when the Articles of Union were adjusted, but upon that circumstance he meant not to lay any stress; the Scotch Peerage had no right to demand more than sixteen representatives; they urged no such claim. To a full and complete representation, as fixed at the Union, they had an undoubted claim; and in making that claim, he trusted to their Lordships liberal support. In the course of his speech, Lord Stormont said, better had it been that the Peers of Scotland had parted with half their fortunes, than consented to give up their hereditary right to seats in Parliament; for little, said his Lordship, does that man deserve either fame or fortune, who does not prize an hereditary seat in the Parliament of a country governed under a free constitution beyond all wealth! As an argument which, he said, he was persuaded could not but weigh with their Lordships, he bid them remember, that when the Treaty of Union was settled, one of the contracting parties unavoidably laid down the power of remedying any oversight or defect that might in future appear to have escaped in the Treaty, and trusted to the good faith and honour of the other contracting party to make good all those deficiencies, that from their nature should appear to be such as necessarily required correction, and the correction of which would undoubtedly have been stipulated for, could the possibility of their existence have been foreseen when the Treaty was in agitation. After stating the case of the Duke of Athol, his noble relation, about the year 1737, and emphatically calling upon the House to recollect that they had in their hands the cause of a description of men equal in rank with themselves, who had sacrificed to the public  
con-





convenience, what they could not have parted with without the bitterest pang, his Lordship concluded with moving,

“ That it is the opinion of this Committee, that the Earl of Abercorn, who was chosen to be of the number of sixteen Peers, who, by the Treaty of Union, are to represent the Peerage of Scotland in Parliament, having been created Viscount Hamilton, by Letters Patent, under the Great Seal of Great-Britain, doth thereby cease to sit in this House as a Representative of the Peerage of Scotland.”

The Bishop of *Landaff* rose as soon as the Motion was read, and declared, that had the Question appeared to him to have been a Question of nice legal discussion, he would not have presumed to have troubled their Lordships with any sentiments that he might entertain respecting it, since no man knew less of the law and its distinctions than he could pretend to do, but he was sufficiently acquainted with the history of the transactions on which the present Question was grounded, to be satisfied that a moderate portion of plain common sense was equal to its comprehension. After a preface somewhat to this purport, his Lordship said, he imagined there could scarcely be two opinions on the Motion; it was clear, from the Noble Viscount's accurate and perspicuous reasoning, that his Majesty had been graciously pleased to bestow English honours upon two Scotch Peers. *That* he conceived to be an infraction of the Treaty of Union; but then it was an infraction on the part of England, as the honours conferred were English, Scotland consequently could not find fault, nor did *he* mean to complain. On the contrary, he thought it extremely proper that his Majesty, the source and fountain of favour and of distinction, should have the power of calling up to that House, men of large property and estate, men who had distinguished themselves in the profession of the law, the army, and the navy, men whose public services in the other House of Parliament intitled them to honours and rewards, and more especially Peers of Scotland, descended most of them from old and noble families, who, consequently,

Bishop of  
Landaff.





sequently, could add the lustre of ancestry to their other eminent qualifications ; for whatever might be said of ancestry, his Lordship asserted that no man despised it, but he who had none to value himself upon, and no man made it his pride, but he who had nothing better to boast of. On the present occasion, he congratulated their Lordships on the accession to the British Peerage of two Noble Lords, not more dignified by birth, than by their character and their merit. With regard to the distinction so forcibly drawn by the Noble Viscount between individual and virtual representation, it was a discrimination almost too evident to require further elucidation ; but if it were supposed that a Member of the other House was called up by Patent to a seat among their Lordships, and was to insist nevertheless upon keeping his seat as a representative of the people at the same time, a stronger instance of the truth of the argument, and of the absurdity of the fact it rested on, could scarcely be given ; but as extreme cases sometimes removed all doubt, his Lordship said he would put one. Suppose when the Act of Union first passed, the Queen had chosen immediately afterwards to create the whole of the sixteen Scotch Peers British Dukes, was there one of their Lordships who would not in that case have agreed, that the Peerage of Scotland had a right to complain, that their representatives had betrayed their trust, and bartered their Scottish titles for English honours ? So extreme a case undoubtedly was not very likely to happen, but it put the Question in so forcible a light, that after having so stated it hypothetically, he trusted their Lordships would with him concur with the Motion, and that the proper forms would in consequence be forthwith complied with, that were necessary to be resorted to, previous to the Peerage of Scotland proceeding to an election of two new representatives in the room of the Earl of Abercorn, now Lord Viscount Hamilton, and the Duke of Queensberry, now Earl Douglas.

Earl of  
Moreton.

The Earl of *Moreton* said, notwithstanding the great abilities and authority of the Noble Viscount, and the learned Prelate, he





he thought it his duty to declare, that when he first heard of the proposition, his mind revolted at it, and the more he endeavoured to investigate the Question, and ascertain its precise tendency, the more he was confirmed in his first opinion, and the less inclined he found himself to give way or abandon the judgment he had, on what he conceived to be good grounds, adopted. His Lordship proceeded to state his construction of that section of the Act of Union that refers to the case, and contended, that unless they were rendered legally incapable of representing the Scotch Peerage during any part of a Session, they were, by their constitution, elected to serve the whole Session out, till the Parliament either naturally expired or was dissolved.

The Earl of *Fauconberg* strenuously supported the Motion, <sup>Earl of Fauconberg.</sup> assigning his reasons for thinking their Lordships bound in justice to declare two vacancies in the number of Representative Peers for Scotland. His Lordship read part of the statute of Union, and commented upon it with great appositeness. He concluded with declaring, that he thought this country indebted to Scotland, and he heartily wished he could say as much of another part of the British dominions.

The Earl of *Hopetoun* went through the history of the Parliamentary transactions at forming the Treaty of Union, and <sup>Earl of Hopetoun.</sup> stated the reasons why the acts were left as they were.

The *Lord Chancellor* contended against the Motion, as going <sup>Lord Thurlow.</sup> upon a principle not recognized by the Treaty of Union. His Lordship solemnly conjured their Lordships to consider how much their dignity, their honour, and their character were concerned in keeping their tribunal pure, untainted, and unsuspected. He pointed out to them the humiliating degradation that must inevitably ensue, if they deviated from the strict line of their duty in the delivery of a decision in a case, which, though of great weight and importance, was nevertheless connected with future elections, by recalling to their minds the degree of rankness and corruption that the tribunal of another place





place had arrived at, in determining cases of election, inasmuch, that it had been at last found absolutely necessary to take the jurisdiction out of their hands, to constitute a new Court, and to vest all the necessary powers in the hands of that Court. He spoke in terms of praise of the unimpeached rectitude of the proceedings of the new Court to which he alluded, and of the justice of their decisions in general. He told their Lordships they were not to listen to arguments grounded on supposed or real inconvenience to this or that set of men; nor were they entitled to consider what an Act of Parliament should have been, but what it was. They were bound to abide by it, and to comply with its letter. His Lordship reprehended Lord Stormont for using the sort of argument that he had introduced his Motion with, and slightly animadverted on the Bishop of Landaff's speech, declaring, that the learned Bishop should have taken care to have read the Articles of the Treaty of Union, before he had ventured to let loose his opinions upon the subject. He insisted upon it, that the giving an English title to a Scotch Peer could not take away or diminish any one function previously possessed by a Scotch Peer, and that he was as fully capacitated to continue the Representative of Scotland after receiving an English honour, as before. He instanced the case of the Duke of Richmond, who, as Duke of Lennox, was intitled to and enjoyed all the privileges of a Scotch Duke. He stated the facts that distinguished the passing of the Act (prefatory to the Act of Union) that passed in Scotland, and after describing the various circumstances of the whole transaction, summed up a long argument, with laying down certain legal premises, which he challenged any Noble Lord to contest with him. The drift of his Lordship's argument was, that as the Acts, constituting what is generally termed the *Treaty of Union*, stand, nothing short of a legal incapacity, (which letters patent creating a Scotch Lord an English Peer, he contended was not) can put any of the sixteen Scotch Peers out of the situation of Representative





tive Peers, till the Session of Parliament has either expired or is dissolved.

Lord Loughborough said, from the word *tribunal*, and the manner in which the Noble Lord had prefaced his speech, he had been inclined to imagine he had mistaken the question before the House, and that it was a *judicial*, instead of a *political* and *parliamentary* proceeding. Under this impulse, he had looked to the table, to see if any petition had been presented, and turned his eyes to the Bar, to observe if the Counsel and Agents were there. Nothing could be more distant in its nature from a judicial proceeding, his Lordship said, than that under consideration; not that he had any the smallest objection to having it judicially treated, if the Noble and Learned Lord thought proper. All he desired was, that a clear, unembarrassed, simple, obvious proposition, to which the minds of every order of men were fully competent to comprehend and to decide, should not be wrapped up and disguised from their Lordships' view, by the mode of treating it. His Noble Friend, the Noble Viscount near him, distinctly told their Lordships what the case was that was submitted to their judgment and their justice; the learned Prelate opposite to him, and the Noble Earl near him, had also fully explained it. Let those explanations be considered, and let the true spirit of the Treaty of Union be applied to it, and there was not one of their Lordships, who, he conceived, could hesitate a moment what part to take. Let them ask themselves, what possible injury they could do by voting for the Motion? Would they diminish any Noble Lord's rank, curtail his powers, or, in any one shape whatever, trench upon his privileges? On the other hand, what unnecessary injustice would they not commit, if they decided against the motion? Did the Treaty of Union, or did it not, clearly, explicitly, and undeniably, intend that Scotland should send sixteen Peers, as the Representatives of her Peerage, to the House of Lords? He ever would maintain, that the intention and spirit of every statute, the penal statutes  
alone





alone excepted, were to be looked to for the construction. In penal statutes, the strict letter of the Act must be followed; but in a case like the present, the intention and spirit of the Treaty of Union were to be taken, as the best guide to the right construction. His Lordship entered into a very long definition of the statutes alluded to,—mentioned what the peculiar election principle of the law of election in Scotland was,—combated the Lord Chancellor's legal arguments,—expatiated at considerable length on the case of the Duke of Dover, the Duke of Athol, &c.—and answered what the Lord Chancellor had said respecting the Duke of Richmond, and the rights his title of Duke of Lenox entitled him to as a Scotch Peer, &c. &c.

Lord Thur-  
low.

The *Lord Chancellor* rose again, and after repeating his principal legal position relative to the Treaty of Union, desired the Noble and Learned Lord to meet him upon the ground he had mentioned.

The question being much called for, Lord Scarisdale put it, when the

<i>Contents were</i>	-	-	52
<i>Not Contents</i>	-	-	38

Lord Stor-  
mont.

As soon as the Committee was resumed, Lord *Stormont* made his second Motion, as follows:

“ That it is the opinion of this Committee, that the Duke of Queensberry, who was chosen to be of the number of Sixteen Peers, who, by the Treaty of Union, are to represent the Peerage of Scotland in Parliament, having been created Earl Douglas, by letters patent under the great seal of Great-Britain, doth thereby cease to sit in this House as a Representative of the Peerage of Scotland.”

This question was carried without a division.

*Friday,*





*Friday, February 23.*

CONFERENCE ON THE COMMERCIAL TREATY.

A message was brought from the Commons by Mr. Grenville, acquainting the House, that the Commons desired a conference with their Lordships. A conference was accordingly had, and the Lord President appointed as Manager for their Lordships. After a short time, their Lordships returned to the House, when the Lord President delivered in at the table several Resolutions come to by the House of Commons, relative to the Commercial Treaty with France, and likewise an humble Address to his Majesty. The Resolutions were read by the Clerk.

As soon as the Address and Resolutions had been read at the table,

Lord *Stormont* came forward, and said, he thought it due to the respect he owed their Lordships, to take the earliest opportunity of informing the House, that he should have occasion to desire their Lordships attention to his statement of several objections that presented themselves to his mind, with regard to a single point respecting the present business, *viz.* the mode of their proceeding upon the Resolutions, and the Address that had just been read. He meant not to enter into argument upon the subject then, nor to take up more than a single moment of their Lordships time: all he wished to impress upon their minds was, that as the objections he should have to offer referred to the mode of proceeding in the business, what he had to say in that respect must necessarily precede their entering upon the Resolutions and Address of the House of Commons. His Lordship added, that it was indifferent to him whether his objections to the mode of proceeding were heard on one day or another, provided the statement of them was permitted to precede the consideration of the Resolutions and Address.

Lord Stormont.

The





Marquis of  
Buckingham.

The Marquis of *Buckingham* afterwards moved, “That the said Resolutions and Address be taken into consideration in a Committee of the whole House on the following Thursday.” He afterwards moved, “That the House be summoned for that day, and that the Resolutions, Address, and all other papers relative to that Treaty, be referred to the said Committee.”

As soon as the Motion for the House to resolve itself into a Committee, for the purpose of taking into their consideration the Resolutions and humble Address, had been stated from the Woolfack,

Lord Stormont.

Lord *Stormont* rose again, merely, as he said, to repeat to their Lordships, that the objection he had to state, in regard to the mode of proceeding proper to be adopted, must necessarily precede any other step in the business; and, as he saw no objection to stating them on Thursday next, he would take that opportunity, but hoped it was understood that the statement of his objections to the mode of proceeding, was to precede their Lordships going into a Committee.

Marquis of  
Buckingham.

The Marquis of *Buckingham* said, he saw not the least possible objection to the Noble Viscount’s proposal.

The Question was then put, and agreed to.

*Wednesday, February 28.*

#### NEGOCIATION WITH PORTUGAL.

Duke of  
Norfolk.

The Duke of *Norfolk* rose, and said, he was extremely glad that the business to which he meant to call the attention of their Lordships was concentrated in a single point, and consequently he should have occasion to give their Lordships the less trouble. His Grace then proceeded to state the great advantages this country had derived from her commercial connexion with Portugal, under the Methuen Treaty, and said, before





we entered into new engagements with France, the natural rival of this country in commerce as in power, it behoved us to take care and secure, beyond all risque, our old customer and ally, the kingdom of Portugal. He entered into a discussion of the account of our exports and imports to and from Portugal, as given in a printed paper on the table, and said to have been made up by the Factory at Lisbon and Oporto. He declared the paper to be the most incorrect document that he ever knew submitted to Parliament, and intimated his suspicions, that it was designed for the purpose of depreciating the value of our trade with Portugal. He examined it article by article, asserted that it was erroneously cast up to the amount of 36,000l. and contended, that the balance of our trade with Portugal, in our favour, was stated at about 240,000l. when in fact it amounted to upwards of 400,000l. In order to make out this, his Grace reasoned upon each of the items, and pointed out the particulars in which he thought them erroneous. He stated our export trade to amount to more than a million a year, and said, the articles were woollen cloths, and 150,000l. worth of salt fish, the mere carriage of which from Newfoundland occupied sixty vessels.—On the other hand, he expatiated on the usefulness of our import articles from Portugal, most of which were indispensibly necessary for our own manufactures. He instanced the Brazil cotton, the salt to manufacture our Newfoundland fish with, the oil to dress our cloths with, and other articles equally necessary for our manufactures. After much observation and argument on these points, his Grace said, if the import of Brazil cotton made a balance against us of 100,000l. a year, he should be glad to find we had such a source of raw materials for our very valuable cotton manufacture. His Grace stated, that cotton that cost us 3s. and 3s. 6d. a pound in Portugal, sold here as high as 3l. and 4l. per pound. He declared, the Motion he meant to offer, in his mind, would prove equally satisfactory to the friends of Ministers, as to those in opposition; and as  
he





he did not wish to irritate or beget dejection in the mind of the former, he would not impute blame to Administration, though he really thought the Negotiation with Portugal ought to have been completed, before the Treaty with France had been concluded. The Duke at length drew his speech to a close, and finished with reading the two following motions, the first of which he afterwards made regularly.

“ That the Treaty made in 1703, between the Crowns of Great-Britain and Portugal, called the Methuen Treaty, is a perpetual subsisting Treaty, and has invariably been found productive of various benefits to the commerce of the two kingdoms.”

“ That it is highly expedient, that any difference that may have arisen upon the construction of the said Treaty, be amicably adjusted, and such further arrangements adapted as may effectually secure the uninterrupted continuation thereof, before we proceed to the confirmation of the Treaty now depending with France.”

Marquis of  
Buckingham.

The Marquis of *Buckingham* declared he should oppose the Motion, but he would not do it without assigning his reasons, and he must necessarily go more into the detail of the trade of this country with Portugal, than the Noble Duke had done. The Marquis then traced the connection between the two countries, and between Great-Britain and France, from the year 1640, in Charles the First's time, down to the present æra, marking and noting all the historical facts, such as Oliver Cromwell's Treaty, the wicked policy of Charles the Second's Ministers, the Treaties of James the Second, the conduct of William and Mary, the prohibition of our woollens on the part of the Court of Portugal, the effect it had upon our exportation, the formation of the Methuen Treaty, the consequences that had resulted from it, the instances in which Portugal had broke her faith with us, as pledged by the Treaty in the year 1703, and the ground on which we had lately negotiated with her through Mr. Falkener. The Marquis stated  
the





the terms of the Methuen Treaty, and the opinions that the greatest and most able writers on the subject had maintained in the year 1713, when its merits and its construction were so deeply the subject of public and of parliamentary discussion. The general opinion, and that which had the greatest number of followers, he said, was, that the Treaty bound Portugal, but that it was optional on the part of this country to observe and adhere to it or not, as we thought proper. He said, the woollens we exported to Portugal, though an object of importance, compared to the general export of British woollen, amounted to a mere trifle. According to the Methuen Treaty, British woollens had been stipulated to be imported into Portugal from this country on low and advantageous duties, but Portugal had since, in direct violation of the Methuen Treaty, imposed various duties upon them. She had laid on one duty under pretence of building a Custom-house at Lisbon, and that Custom-house having been since consumed by fire, and rebuilt, the duty still went on, though it had been rebuilt the second time, more than fourteen years ago.—Portugal had imposed another duty on the British imports into that kingdom, on account of the erection of another Custom-house in another place, and she had lately formed a new Book of Rates, in which, under different pretences, additional duties were imposed upon our woollens and other articles.—The Marquis followed the Duke of Norfolk through his examen of the paper on the table, and controverted the Noble Duke's line of argument respecting its terms. He contended that it was a fair paper, and that the Factory could have no interest in misleading. He laid out of the statement all the amount of the trade of Ireland, and very considerably reduced the size of the balance in favour of this country. He spoke of the fallacy of Custom-house books in general, arguing that the entries were sometimes, through the vanity of the exporter, aggravated and exaggerated on the one hand, and the amount concealed on the goods arrival at Portugal, on the other. He reasoned

C

upon





upon this for some time, and after an infinite variety of remarks, all manifesting a similar knowledge of the subject, the Marquis said, he must refuse his assent to a Motion, words of which, in his mind, were inapplicable, *viz.* the denominating the existing Treaty a *permanent* and *perpetual* Treaty.

Duke of  
Norfolk.

The Duke of *Norfolk* said, he had no objection to leave out those words, if that would induce the Noble Marquis to support his Motion.

Marquis of  
Buckingham.

The Marquis of *Buckingham* declared, that no alteration could induce him to give his consent to a Motion that appeared to him to be more likely to embarrass Government, and procrastinate the event of the pending Negotiation, than to accelerate it.

Bishop of  
Llandaff.

The Bishop of *Llandaff* came forward, as soon as the Marquis of Buckingham sat down, and said, he would enter more at large upon the subject than the Noble Duke had done, since it was only from taking a comprehensive view of it that their Lordships could expect to arrive at a fair and honest conclusion.—His Lordship declared, he must disapprove of the Treaty with France, and when he did so, his conduct was governed by no party motives, or motives of disrespect to Ministers, or their friends; on the contrary, if personal attachment, and regard for individuals or their connexions, could have induced him to have supported it, he had every reason of that sort to prejudice him in its favour, but his mind went against it, and he could not; his judgment condemned it, and he would not. His Lordship then proceeded to state to their Lordships his reasons for disapproving of the Commercial Treaty with France, and wishing the trade and commerce of the country to remain as it stood at present. To the extension of our commerce, he said, was owing not only the greatness and the glory of this country, but her existence as a people among the nations of the earth. He would not deny that a change of circumstances might make a change of our commercial system justifiable and expedient, but the change of circumstances ought





A. 1787.]

D E B A T E S.

19

ought to be made clearly appear. What was there in the situation of this country, different from its situation with respect to France in the year 1713, that made a Treaty with France more advisable now, than our ancestors had thought it at that period? In order to shew their Lordships that a change of commercial system could not be adopted, without hazarding the risque of the most essential present benefits for the mere chance of larger speculative advantages, the Bishop entered into a summary history of the state of the trade of this country for many years past; and the most prosperous period of our trade he conceived to be about the year 1757, when the balance in favour of the trade of this country amounted to the enormous sum of upwards of five millions and a half a year. He said, he would not detain their Lordships with entering into a series of calculations, but would state to them the results of calculations, and reason from those results. It appeared, that the average balance of our trade, for a number of years, amounted to four millions a year, and in that total he included the balance of our trade with Holland; which was upwards of eleven hundred thousand pounds; the balance of our trade with Germany, seven hundred thousand pounds; the balance of our trade with Flanders, six hundred thousand pounds; the balance of our trade with Portugal, four hundred thousand pounds; the balance of our trade with Spain, four hundred thousand pounds; the balance of our trade with America, five hundred thousand pounds; the balance of our trade with Ireland, above a million; besides the balance of our trade with several other places, of which he would not reckon, but set their amount against the loss upon our trade with Russia, Sweden, Norway, and in fact all the Northern Powers, the trade with whom, though he called it a loss, was really far from being so, as we took from those countries, iron, hemp, tar, and a great variety of valuable raw materials, essentially useful, and indeed indispensibly necessary to the operation of our own manufactures. He said, he would not take Africa into the account, as our trade with that quarter of the globe was not





reconcilable to humanity, and could not be justified on any principle of expediency or political necessity. His Lordship laid considerable stress on the mutual advantage of an alliance between Great-Britain and Holland. He said, the reciprocal benefits were so obvious, that Holland must be lost to all sense of her own real interests, if she did not see the actual necessity of returning to her old connection, and that it was the duty of our Ministers to exert their utmost endeavours to restore that connection as early as possible. If Holland, torn by intestine divisions, and agitated by domestic factions, were madly to throw herself into the arms of France, and France was, in consequence, to possess herself of the marine of Holland, this country was from that moment undone; and not merely with regard to our commerce, but what was transcendently above all price, we should no longer continue a *free* people. His Lordship remarked, that our ancestors had pronounced expressly against a commercial connexion with France, since the preamble of the Act, putting an end to the commerce with France in the last century, declared, that *it had been found, by experience, that an open trade with France was detrimental and injurious to the manufactures of this country*; as therefore he had always understood that the sense and meaning of every Act of Parliament was to be found in the preamble, he was warranted in maintaining, that experience was against the Treaty with France; and as a view of future prospects, when illumined by past experience, was what every wise man must consider as affording an infallible guide to human reason, it would be madness, were their Lordships, with such strong evidence of the danger before them, to sacrifice their present actually beneficial commercial connexions, for uncertain, visionary, and speculative advantages, artfully held out to them by a rival, who had ruined the constitution of almost every country with which she had been connected by a commercial treaty. He farther observed, that, whenever this country had entered into a commercial connexion with France, her trade languished,  
and





and the balance in her favour sunk to nothing; and as soon as she put an end to that connexion, her commerce again became flourishing, and the balance in her favour rose with rapidity. He would not, he said, contend, that to our connexion with France our loss of trade was imputable, because he knew it was possible for two simultaneous circumstances to exist at the same time, without a necessary connexion with each other; but to men of plain understandings it would appear, that there was something so like what was denominated *cause* and *effect* in this, that they would, in all probability, set it down as such. The Bishop added a variety of cogent arguments in proof of his position, that there was much greater reason to dread the consequences of a Commercial Treaty with France, than to desire it.

The Earl of *Hopetoun* expressed his approbation of the Commercial Treaty. His Lordship said, he had looked upon the table, to see the petitions of the Portugal Merchants, and of the British Manufacturers, against the Treaty, but he could find none, which he took to be an infallible proof that they dreaded no danger from the Treaty or its consequences. His Lordship added other reasons for opposing the Motion.

Earl of  
Hopetoun.

The Duke of *Manchester* rose to exculpate himself from a charge that he said he understood had been imputed to him in another place, *viz.* that in negotiating the Definitive Treaty of Peace at Paris, in 1783, he had bound this country to the obligation of making a Commercial Treaty with France. His Grace produced the Treaty, and fully justified himself from the imputation, by a discussion of the 18th Article, and the Declaration subjoined to the Treaty. He took notice of an inaccuracy in the translation of the verb *pour travailler*, which, in the English version of the 18th Article, is rendered *to treat*, and, in the version of the 18th Article of the Preliminary Treaty, to *enquire into*. This incorrectness, his Grace said, was an additional proof of the disadvantage, he had ever contended, it was for this country to make a Treaty in any lan-

Duke of  
Manchester.





guage but her own. After the Duke had fully shewn, that though he had been the peace-maker, he had in no sense bound down the country to *make* a Commercial Treaty with France, but merely to treat upon the subject, he proceeded to state his objection to the Commercial Treaty on the ground of its endangering the loss of Portugal, for he contended that with her Commerce, we should lose her alliance. He also condemned the Treaty on a still more serious ground, inasmuch as it revived and admitted the existence of the Family Compact, which had never been allowed, and which by the second Article of the Treaty of Paris, 1763, had been virtually done away.

Earl of Carlisle.

The Earl of *Carlisle* supported the argument in favour of the Motion, and very strenuously condemned the Commercial Treaty, as tending to destroy our beneficial connexion with Portugal. His Lordship stated that advantage Mr. Eden would have treated under, had Great-Britain either previously concluded her negociation with Portugal; or broken with her entirely. In the latter case, the Negociator might have said, "I come to you with an additional benefit, you must grant Great-Britain an equivalent equal to its value:" As the matter stood, we had run the risque of making up our differences with Portugal, or suffering the advantage of an unrivalled market to fall into the lap of France, without entitling ourselves to ask for any compensation whatever.

Lord Portchester.

Lord *Portchester* said, the Noble Earl had forestalled him as to one of the points of objection that he entertained with regard to the mode of conduct pursued by Administration in respect to their negociation with the two Powers of France and Portugal. Nothing could, in his mind, be more obvious than that they ought at all events to have brought matters to a termination with Portugal before they signed with France; from not having done so, they had put themselves into a most singularly awkward predicament. They had reserved a right to do a favour to Portugal, which, if Portugal did not accept,





cept, we could not offer to any other power, and all the good consequences of Portugal refusing it, would be so much gain to France. When we treated with France, we could only offer her an unequal market; a market in which her wines were to meet a competitor. Treating upon such terms, we could only expect terms from France proportionably beneficial, and having concluded the Treaty under such circumstances, we had left ourselves exposed to the danger of Portugal's refusal to accommodate with us, and then what became of our reserve? His Lordship contended, that by such conduct we had put it in the power of France to buy the unrivalled and open British market of Portugal, and not of ourselves. He said, report talked already of France's being in negociation with the Court of Lisbon, and spoke of the inconvenience her taking the Brazil Cotton from Portugal, would bring down on our boasted Cotton Manufacture.

Lord *Stormont* followed, and supported the Motion, and objected to the mode of proceeding that Government had adopted. His Lordship asked if it was determined to give up the valuable trade of Portugal? If it were, why not tell the Woollen Manufacturer of Yorkshire, that he was not to expect any more of his Woollens would go to the Portuguese market? That would be fair, and it would be plain-dealing. He said, it fell to his lot that day, in common with the Noble Lords who had preceded him, to stand up in defence of some old antiquated notions, which he had early imbibed, and in entertaining of which he verily believed he should die. He then went through all the train of arguments in favour of a commercial connexion with Portugal, in preference to a commercial connexion with France. He said, the papers upon the table gave but an imperfect light into the Methuen Treaty and its advantages, that consequently their Lordships could form but an inadequate idea of either. He had seen papers himself, which had he known how to have described, so as to have brought them before that House, would have





thrown a considerable degree of illustration on the subject. He knew that since the year 1703, our exports to Portugal had amounted to eighty millions, and our imports to forty, consequently the balance in our favour had been enormous. Ministers seemed determined that the advantage should cease; in that case, where would they direct our manufactures to be sent that no longer would go to Portugal? If it was said, Spain would take them, were they prepared to declare that the Treaty with Spain was concluded, and that she was ready to open her arms to us, and to take our exports of woollens, of salt fish, of hardware, and of various other articles? He went at large into the argument broached by Mr. Fox in the House of Commons, that in the 7th Article of the Treaty, France had artfully drawn us in to recognize the 24th Article of the Definitive Treaty, which by the 2d Article of the Treaty of Paris 1763, we had forced her to disavow. He read the 24th and 25th Articles of the Family Compact, and contended, that by recognizing the first, we had given life to the spirit of the 2d of the two Articles. He expatiated on the different nature of our reserve in favour of Portugal, and France's reserve in favour of Spain, and shewed, (as Lord Carlisle had done before him,) that France had made it on condition with us, that if we kept our faith with an old Ally, she should be allowed to put an Article of the Family Compact in force that had never before been recognized by us. After a great variety of pointed arguments on that head, and a long discussion of the nature of the 8th and 9th Articles of the Treaty of Utrecht, his Lordship appealed to the gratitude of the country towards Portugal, and drew the following picture: During the glorious war that preceded the peace of Paris 1763, France, he said, had taken a resolution, which no man, who walked the streets of Paris did not condemn, of forcing Portugal to desert her old ally, and join the Family Compact; what was on that occasion the conduct of the King of Portugal? such as would have done honour to any country in any age.





age. That Monarch said, *he had rather suffer the roof to be torn off his Palace, than act so disgraceful a part as to take up arms against his old ally.* He begged their Lordships would permit him to present them with a contrast to that picture. In the midst of peace with Great-Britain, France, who till after the battle of Brandy Wine, had held the most courtly language, and dealt in the most profuse assurances of amity and regard to this country, without a provocation of any kind whatsoever, pulled off the mask, plunged into the war, and sided with America against Great-Britain. Happily her designs, covered as they had been with professions of attachment, had not been unknown to all the administration of that day; they were suspected, and the nation had not been taken by surprize, when that declaration was issued by France, which they had all beheld. He meant not by presenting this picture, to insinuate that the Treaty of Peace put an end to all resentment; it undoubtedly did, and it ought so to have done. Resentment was passion, and all passion was founded on weakness, and possessed an inherent tendency to rottenness and decay. Such principles ought not to regulate the conduct of nations, but principles immutable in their nature, and that depends not on such a precarious foundation. Principles that are at all times the same. Though resentment however was at an end, recollection of such conduct was not obliged to abandon their Lordships minds, nor could it be effaced from their memory. His Lordship added an infinite number of apposite and pointed remarks, and at length concluded with recommending it to their Lordships to vote for the Motion.

Lord *Hawkesbury* rose as soon as Lord Stormont sat down, Ld Hawkesbury. and began with expressing his concurrence in what had fallen from a learned Prelate, relative to the flourishing state of the commerce of this country; it was, he said, as he could inform their Lordships upon good grounds, extremely flourishing at present, nearly as much so, as it ever had been at any the most flattering and prosperous period, and he was extremely happy





happy to have it in his power to declare it; but flourishing as it was, considering the size of the Public Debt, it would have been an unpardonable neglect of duty in Government, had not an endeavour been made to open new markets to our manufactures, and to extend the trade of Great-Britain as much and as widely as possible. To what market could they look with so much hopes of material advantage as the market of France? What could promise so much benefit to the commerce of the two countries, as the reciprocal exchange of the commodities of both? It had, he knew, been much rested on, that the trade of this country had not prospered greatly, when we were connected by a Commercial Treaty with France, and it had been asked in the course of the debate, whether the state of this kingdom, and the state of the kingdom of France was different at the time of passing the Treaty of Utrecht, from what it was at present. To which he should answer, that the state of the manufactures and trade of this country bore no sort of comparison to the state of its manufacture and trade in 1713. The Articles of the Treaty of Utrecht might have been very inexpedient for this country to have adopted, when that Treaty was made, but they were by no means so under the present very different circumstances of our Commerce. To open the market of France to British manufactures was an object extremely to be desired, and in effecting it, Government had shewn themselves the best friends to the Manufacturers of their country, and so, in spite of any false notions to the contrary, that might be entertained, the event would, he had not the smallest doubt, very sufficiently prove and establish.

With regard to Portugal, before he proceeded particularly to take notice of the Motion, he begged leave to premise, that he was a sincere well-wisher to the continuance of our connexion with that country under the Methuen Treaty; much as he had reason to differ from other Noble Lords respecting the value and the importance of our trade with Portugal, he nevertheless





nevertheless sincerely hoped that trade would continue, and had reason to expect, that the present negociation would be terminated to the satisfaction of both countries. Having stated this in very explicit terms, his Lordship proceeded to mention the nature of our trade with Portugal for many years past, which, he said, he should ground on papers then upon the table of the House.

Lord Hawkesbury said, as the meaning of the Methuen Treaty had not been particularly the object of argument in the debate, it was unnecessary for him to go into that consideration, otherwise he could have shewn their Lordships what Mr. Methuen's opinion had been of the meaning of his own Treaty. But the better to see in what degree our trade with Portugal was affected by that Treaty, it would be necessary to enquire into the state of it before the Methuen Treaty had been concluded, and the state of it since. Custom-house Books, he admitted with the learned Prelate, were not the best authorities, because they were, from various causes, imperfect and incorrect, but in one view they might be referred to as useful sources of information; he meant where a comparative state of our trade with any country for several years together was wished to be seen; and the reason why, in that case, they might be relied on was, because though the entries in Custom-house books were liable to error, still as the accounts were all made up in the same way, and were consequently liable to the same errors and imperfections, it was fair to conclude, that the account of one year was as correct as the account of another; and that though the particulars might be incorrect, yet, from the totals of the several years, a pretty just comparative state of our trade to any particular country might be found. Upon referring to Custom-house books, it would be seen, that in the last century, when the Court of Portugal imposed partial prohibitions on our Woollen Trade, (for entirely prohibited it never had been) between two hundred and fifty thousand, and three hundred thousand





thousand pounds worth of Woollen Cloth was purchased of this country by Portugal. We at that time continued to take the Wines of Portugal as before, till the year 1703, when Mr. Methuen had been sent to Lisbon to conclude the Treaty with the Portuguese Court, by which that Court bound itself to take our Woollens at a certain low rate of duty. That Treaty was, as the House well knew, concluded, and it had been religiously adhered to on our part, though Portugal had, in a variety of instances, departed from a strict adherence to the Treaty on her's. Since the conclusion of that Treaty, the amount of our exports to Portugal, and the balance of trade with that kingdom in our favour, had from time to time been extremely different. His Lordship stated its amount in different periods, taking as one period from the year 1730, to 1760, a period of thirty years, and as another, the period of 1772 to 1782, whence he made it appear, that it had lately decreased to less than half the sum it formerly amounted to. Our export of Woollens in particular, he said, it appeared from the papers on the table, did not amount to more than between four and five hundred thousand a-year; whereas, in the year 1701 and 1702, when the import of British Woollens laboured under partial prohibition and heavy duties, it appeared that Portugal took Woollens of us to more than half the amount that they now took under the Methuen Treaty. So much, therefore, for the real state of our Woollen Cloth exportation to Portugal. But Noble Lords had complained that the Treaty with France ought not to have been concluded before the negociation with Portugal had been concluded. In regard to that, it ought to be remembered, that by the 18th Article of the Definitive Treaty of Peace, signed by a Noble Duke (the Duke of Manchester) Great-Britain was bound to endeavour to form arrangements of commerce with France in two years, and afterwards another year had been added. Was Government, therefore, to have neglected a compliance with the stipulation of the 18th Article of the Definitive Treaty because





because Portugal would not adjust the complaints of her breach of the Methuen Treaty? If Ministers had tried again and again, and found that Portugal, in spite of all they could do, or all they could say, would not listen to reason, nor consent to comply with the Methuen Treaty, as to its obvious spirit and meaning, would it have been right for Government to have let pass the opportunity of concluding a Treaty with France, that promised to prove highly advantageous to the British Manufacturer; highly beneficial to the commerce of the country? His Lordship adverted to the instances in which Portugal had failed, in complying with the meaning of the Methuen Treaty. The case of Ireland, he said, was notorious. The Woollens of Ireland had been admitted into Portugal in like manner as the British Woollens had been admitted, till the period when Ireland was declared independent, and then it was that Portugal pretended that Ireland was not comprehended within the meaning of the Methuen Treaty. If he knew any thing of public law, his Lordship said, no point of public law was more clear, than that when one Sovereign Prince made a Commercial Treaty with another, all the subjects, at least all the subjects in Europe of that Sovereign Prince, were comprehended in the Treaty, and entitled to participate in its beneficial consequences. The distinction, therefore, with regard to Ireland, was an idle one, taken up upon weak, and persisted in upon unjustifiable grounds. Nor was that by any means the only cause of complaint, with regard to the Court of Portugal's not observing this Portugal Treaty. A Book of Rates had been published, imposing new and heavy duties on British Woollens and other goods imported into Portugal, and the levying of those duties was entrusted in the hands of a single Custom-house Officer, and not in the hands of a Minister. A circumstance attended with infinite inconvenience to our trade, and in some instances operating like a prohibition, as the dread of having the wanton caprice of the Custom-house Officer in Portugal, above al-

luded,





luded to, exercised to their prejudice, deterred many British manufacturers from sending their goods to the Portuguese market. Another distinction that Portugal had also taken with regard to her construction of the Methuen Treaty, was peculiarly adverse to the trade of this country. The distinction was, that all newly invented manufactures, since the year 1703, were not included in the Methuen Treaty, and were liable to pay whatever duties the Court of Portugal chose to levy upon them; this their Lordships would see must necessarily bear hard upon all our cotton manufactory, almost every article of which was of recent invention, although it was already brought to such a state of perfection as to astonish the world. His Lordship expatiated upon these circumstances, and declared, he was not only ready to do justice to Portugal, but willing to do her a favour; but appealed to the sense of the House and the public, whether it did not become Government to exert itself, and to bring the Court of Portugal to an explanation, and oblige her to perform her observance of the Methuen Treaty as faithfully as we did ours. The Commercial Treaty with France, he contended, was of itself a favour to Portugal, since, if she thought proper to adhere to the Methuen Treaty, she would derive a very considerable advantage from the reserve in regard to reducing the duty on her wines one-third lower than the duties on the wines of France, being carried into execution. His Lordship combated Lord Stormont's argument relative to the 24th and 25th Articles of the Family Compact, and contended, that the 24th Article of the Family Compact only stipulated that the French and Spaniards, in point of navigation and commerce, should reciprocally be entitled to all the privileges of subjects in the two countries, and consequently that it had in no sort affected us. With regard to the idea of France entering into a Commercial Treaty with Portugal, he considered it as too chimerical to be seriously dreaded. He asked if any man in his senses imagined that France would take 12,000 tons of the wines of Portugal  
for





for her own consumption? A circumstance so unlikely to happen, surely was not a circumstance that ought to alarm this country. After treating the whole of the subject, his Lordship said, he should oppose the Motion, because, instead of weakening the hands of Government, and embarrassing the negotiation pending with Portugal, he held it to be the duty of that House, as of the other, to strengthen the hands of the executive government, and by uniting on the present occasion, to hold out to Portugal a firm determination in the British Parliament, to support Administration in their just demand upon the Court of Lisbon, to comply with the spirit and meaning of the Methuen Treaty.

Lord *Portchester* rose to explain. The Noble Lord, he said, had either misunderstood him egregiously, or mistated his argument. He appealed to the recollection of their Lordships, whether he had talked of France's being likely to take 12,000 ton of Portugal Wine, or suggested any thing half so absurd as such a supposition; what he had said was, that by our having concluded a Treaty of Commerce with France, before we had brought our Negotiation with Portugal to an end, we had put it in the power of Portugal to sell the open British market to France for commercial advantages; which France might for such a bargain be glad to give to Portugal; but he had never dreamt that France could, or would, as one of those commercial advantages, take 12,000 ton of Portugal Wines. What? France, a country that made the best Wines in Europe, take 12,000 ton of the worst Wine any European country produced! The proposition had been too ridiculous to be stated. His complaint was, that the Treaty with France, upon the face of it, made it the interest of France, by every species of influence and intrigue, to prevent Portugal from acceding to our demands upon her, and in case of a failure of the negotiation, France might have the open British market without any compensation being given to us for that advantage. But were there no other commercial advantage,  
France

Lord Port-  
chester.





France could give to Portugal for such a benefit but taking her Wine? France might take all her Brazil Cotton at her own price, and then our Cotton Manufactory was undone at once.

Ld Hawkesbury.

Lord *Hawkesbury* replied, and insisted upon it, that no other country but Great-Britain could take 12,000 ton of Portugal Wine; and that it was fair to state that, as one glaring instance of the improbability of the Court of Lisbon's breaking with Great-Britain. With regard to the Brazil Cotton, his Lordship said, this country was the best market for Cotton in Europe, and as long as she continued to be so, there was no doubt but that the Brazil Cotton would find its way to it, whether it came directly from Portugal or through France. As to the Cotton Manufactory of this country being likely to be ruined for the want of a supply, he declared he had not an apprehension of that kind; the growing of Cotton was now the universal practice; in a very short time therefore, in all probability, we should have a sufficient supply even from our own islands.

Lord Stormont.

Lord *Stormont* said he would confine himself to explanation merely. His Lordship then contended, that according to Lord Hawkesbury's doctrine, the 18th Article of the Definitive Treaty of Peace bound us, within two years, to make any Treaty of Commerce with France whatsoever, that France thought proper, let it be ever so disadvantageous to this country; whereas the true meaning of the Article was, that the high contracting powers should *endeavour* to treat about arrangements of commerce within the period named; and, therefore, if the endeavour had even been made without success, the good faith of both the high contracting powers would have been kept. His Lordship illustrated this by mentioning, that by the terms of a Treaty, many years since concluded between Great-Britain and France, both powers stipulated to send Commissioners to Antwerp, to settle some particular and specific arrangements, which were not settled to this hour.





hour. Lord Stormont entered again into a discussion of the argument he had before advanced relative to the 24th and 25th Articles of the Family Compact, and the manner in which the Peace of Paris of 1763 referred to the Family Compact, by disavowing it, though not in explicit or direct terms. He next alluded to the statement of Lord Hawkesbury relative to the decrease of the balance of our trade with Portugal, and endeavoured to impress it upon the minds of the House, that the Noble Lord had given that decrease of balance as a justification of a breach with Portugal. Upon similar grounds, he contended, a breach with France, in respect to the lately concluded Commercial Treaty, might a year or two hence be justified, in case the amount of the exports of this country should decrease.

Lord *Hawkesbury* desired once for all, that he might not in that House be supposed to possess or to claim any authority, but the authority his arguments gave him. With regard to the Noble Viscount's statement of what he had said relative to the 18th Article of the Definitive Treaty, he appealed to the recollection of their Lordships, whether he had not spoke of the stipulation of that Article exactly as the Noble Viscount had himself declared it to be liable to construction, viz. as an obligation upon Government, in point of preservation of the natural good faith, to *endeavour* to form a treaty of arrangement of Commerce between the two nations, on the basis of reciprocity and mutual convenience, and not as the Noble Viscount had imputed to him. His Lordship appealed also to the House, whether he had ever asserted that we ought to quarrel with Portugal, merely because our trade with that kingdom had become less favourable than formerly? So far from this, he had only stated the decrease of the balance of the Portugal trade merely as an argument to prove that the value put upon that trade by some Noble Lords was higher considerably than facts would bear out, and assigned various instances of infringement of the Methuen Treaty, not as an argument for our breaking with Portugal,





Portugal, but as a justification of Government in insisting that the Court of Lisbon should more faithfully comply with the Methuen Treaty in future, and that it should not be solely adhered to on the part of the Court of London.

Duke of  
Norfolk.

The Lord Chancellor was just beginning to read the Motion, when the Duke of *Norfolk* rose again, and declared himself by no means satisfied with any arguments that had been advanced against the Motion; and although after what he had heard, he had little hopes of being able, by any thing he could say, to change the opinion of their Lordships, yet he thought it his duty to offer a few remarks upon what had fallen in the course of the debate. His Grace then observed upon Lord Hawkesbury's speech, and declared, that the whole of the Noble Lord's argument appeared to him, like the paper he had in opening the Motion commented upon, to be calculated to depreciate the value of our trade with Portugal, and to prepare for a total abandonment of that very beneficial trade. The Noble Lord, in the course of his speech had said, *if* Ministers have tried to obtain a redress of grievances at the hands of the Court of Lisbon in vain, *if* they have done so and so. That sort of language, he must remark, could not be regarded. The House knew of no grievances that existed, they had not heard of any infringement of the Methuen Treaty on the part of Portugal, but the old ground of grievance relative to Ireland, which as far as could be understood, was given up by Portugal, though no such important communication had been made to the Parliament of Ireland. Would Ministers assert that grievances had existed, and that they had exerted themselves to obtain redress without being able to obtain any? Would the Noble Lord, who said he was no Minister, instead of saying *if* "Government had tried in vain to obtain satisfaction," take upon himself to assert, that they had so tried in vain, his word would be taken, and the Motion need not be pressed; but as the case stood, the House had no information before them of one fact or of the other; either that complaints of violation of the Methuen Treaty on  
the





the part of Portugal were grounded, or that Ministers had endeavoured to have the cause of complaint done away. His Grace observed, that the Noble Marquis near him had laid the amount of the trade of Ireland out of the balance of the trade between Portugal and Great-Britain, and had supposed him to differ in opinion from him, upon observing he assumed a look of disapprobation at the moment. The fact, he declared, was, he subscribed fully to the fairness of the argument of the Noble Marquis, but he could not help expressing some disgust by his countenance, when he heard a distinction taken between Great-Britain and Ireland, in a moment when the trade of the empire was the subject of debate. He wished the interest of the two kingdoms to be always considered as inseparable. Having said this, the Duke expressed some surprise at the silence of Ministers upon a topic so immediately relative to their own conduct. He was, he said, aware that the Noble Lord, who had risen that day to support the Treaty, and justify Ministers, had the chief burthen of Government upon his shoulders, and was a Noble Lord of great weight and authority, but as he had himself told the House he was no Minister, consequently he had no responsibility. He could not but think it the duty of Ministers on such occasion to speak themselves, or to put the Noble Lord, their friend, into a ministerial situation, so as to make him responsible for what he said upon matters of Government. Every day since he had sat in Parliament, his Grace said, it had been the practice of Ministers to treat both Houses with increased neglect and indifference. The present Administration had come into power in direct defiance of one branch of the Legislature. A dissolution of Parliament had followed, and a new Parliament had been chosen, when the Administration were in the zenith of popularity, and more popular no Administration had ever been, than they were at the time of the General Election, from the confidence of the people that their rights and liberties would be preserved, and from an idea that, among other reforms, a reform of the representation of the





people would take place in the other House. No such reform had, however, been made, and as to that House, some persons had been lately sent there, who, all circumstances considered, the people perhaps little expected to see elevated to that rank. His Grace said, he was far from meaning to insinuate that the Noble Lord was not, in point of ability, information, and services, fully intitled to the honours he had received; he spoke merely of the political conduct that Noble Lord, and other Noble Lords had held. The Duke declared his disapprobation of the mode of treating Portugal, by first concluding a Treaty with France, and then dispatching an Ambassador to Lisbon, to say to the Court, “ I shall go away on such a day, I must have your answer by that time—here I hold in my hand the Treaty Great-Britain has concluded with France, and having formed such a connection, she is perfectly indifferent whether she quarrels with you or not.” The language of the Negotiator would, he observed, necessarily be more courtly, but the fact spoke for itself, and its incivility and arrogance were obvious. He answered Lord Hawkesbury’s remark about the growth of cotton on our own islands, and said, the Noble Lord talked of cotton as if it were wheat, the growth of one season only. He added a few other remarks, and concluded, with declaring it to be his confirmed opinion, that so far from the present Motion’s tending to weaken the hands of Government, or embarrass the pending negociation with Portugal, it would give Government strength, and put them on advantageous ground in their negociation with the Court of Lisbon. His Grace apologized for any warmth he might have betrayed in the course of his argument, declaring, that his feelings necessarily led him to deliver his sentiments with some share of animation, but that he always meant to treat their Lordships with that degree of politeness and respect to which they were undoubtedly intitled.

Lord Osborne.

Lord *Osborne* (Marquis of Carmarthen) rose next, and said, that although he was undoubtedly responsible, when formally called





called upon, to answer for any part of his conduct as a Minister, yet he did not hold himself obliged to rise at the call of any individual Lord, to answer questions or assign reasons for the conduct of Government, unless his own judgment served to convince him that some answer ought to be given. He said, he always listened with great attention to what fell from the Noble Viscount and the Noble Lords near him, as well as to what fell from the Noble Lords who sat close by the place from which he spoke, and he had that day listened with peculiar pleasure, as a great deal of information had fallen from both sides the House. He would not, his Lordship said, at that late hour, go into a discussion of topics that had been so fully discussed in the course of debate, and in his mind so unanswerably argued by the Noble Lord near him, (Lord Hawkesbury) but would content himself, as a Lord of Parliament, with declaring his disapprobation of the Motion, and appealing to the Noble Viscount's candour, to the candour of the House, and of all who heard him, whether pending a negociation with the Court of Lisbon, the agreeing to such a Motion as the present, would not tend to hold out to the world an ill-timed want of confidence in Administration, and of consequence throw difficulties in the way of bringing the Treaty with Portugal to an happy and an early issue.

Lord *Carlisle* declared he was glad to find the *death-like* silence of Ministers was at length broken; the Noble Marquis, however, had confined himself to the single point of the expediency of making the Motion at that time, without adducing one argument to shew, why it would not be wise to conclude the business with the Court of Lisbon, before they carried the Treaty with France into effect. His Lordship animadverted on Lord Hawkesbury's speech in pointed terms, and said, an unfortunate *W* had caught his ear, which induced him to imagine, that although the Noble Lord had taken pains in the middle of his speech to tell them "he was *no Minister*," yet he conceived himself to be in equal power, just as some men fancied when

they



they had one foot in the stirrup that they were seated on the saddle.

Lord  
Sydney.

Lord *Sydney* replied to the observations of the Noble Duke near him, who had remarked, that no statement had been made of the existence of any specific grievance on the part of Portugal, and said, a Noble Friend of his, (Lord Hawkesbury) unless he was greatly mistaken, had stated several grievances specifically, and so had a Noble Marquis, who spoke second in the debate. His Lordship took notice of Lord Portchester's argument, and assigned as his reason for opposing the Motion, that it might do harm, and could not do any possible good.

Lord Port-  
chester.

Lord *Portchester* rose once more, and again explained, that the object of his argument had been to state, that the Treaty with France, upon the face of it, put it in the power of Portugal to deliver over that boon to France, which Great-Britain had deprived herself of the power of giving France, and that France might easily make up a communication of commercial advantages, the difference to Portugal that she would sustain in consequence of breaking off entirely with Great-Britain.

Lord Dela-  
val.

Lord *Delaval* rose, not he said, at that late hour, when the House was nearly exhausted, to offer any arguments of his own upon the Motion, but merely to take notice of what had fallen from others, and particularly from the Noble Duke near him, who, in his last speech, had been pleased to reflect on those Noble Lords who had lately had the honour of being by his Majesty's favour entitled to seats among their Lordships. He begged to know whether the Noble Duke thought there was any thing in the characters of the ancestors of those lately created Peers that ought to disqualify their successors from holding the honours of the British Peerage. Did the Noble Duke mean to insinuate that their ancestors had been stigmatized as persons of suspicious characters, or as persons disaffected to the Government under which they lived? Did the Noble Duke mean to infer, "that there was more joy in Heaven over one sinner that repented, than over ninety and nine just persons?"

The





The Duke of *Manchester* spoke to order. His Grace said, Duke of Manchester. the Noble Lord was speaking to a matter so foreign to the subject of the Motion, that he could not suffer him to proceed without reminding him that it was totally contrary to order, and to the decorum due to that House, for any Noble Lord to go into matters of so personal a nature, and that were likely to lead to disagreeable consequences.

The Duke of *Norfolk* begged the Noble Lord to proceed in what he was going to say; he was so conscious that he could convince the Noble Lord of his mistake, that he would hear him out with great pleasure. Duke of Norfolk.

Lord *Delaval* said, if he had done any thing contrary to the order and decorum of the House, he would willingly beg pardon of their Lordships, but as the Noble Duke had been pleased to animadvert on the Peers lately created, being himself one of that number, and perfectly unconscious of deserving any animadversion, he imagined the Noble Duke would naturally expect that something should be said in their behalf, by one at least of the number. Lord Delaval.

The Duke of *Norfolk* in reply declared, that he had not had the most distant intention of reflecting on the Noble Lord; when he had spoken of persons being called up to that House, whom the people probably did not expect to see there, he had alluded in his own mind to the Coalition that had at one time engaged so much of the attention of the public, and had meant to state that circumstances, at least equally extraordinary, had since occurred. Duke of Norfolk.

The Question being now put by the Lord Chancellor, with the omission of the word “perpetual,” the House divided,

<i>Contents,</i>	24	<i>Not Contents,</i>	72
<i>Proxies,</i>	2	<i>Proxies,</i>	9
—	—	—	—
	26		81





*Thursday, March 1.*

As soon as the Lord Chancellor had taken his seat on the Woolfack,

Lord Stormont.

Lord *Stormont* rose and stated, that he meant to call their Lordships attention to a single point of form, viz. their mode of proceeding in a business of as much importance as ever called for the consideration of that House of Parliament. The House of Commons, his Lordship observed, had passed certain Resolutions founded on the Commercial Treaty with France, and had sent them up to that House with an Address, drawn up in such particular and precise terms as to pledge Parliament as to their future conduct in the subsequent stages of the business: Such a mode of proceeding, his Lordship declared, was not directly warranted by any precedent, as far as he had been able to discover. Whenever both Houses joined in an Address to the Throne, upon the subject of any matter, the discussion of which was not concluded in either House, it had always been customary to draw that Address generally, and so as not in any sort to preclude the freedom of future debate. He knew no precedent for such a proceeding as the present, nor had he heard of any. He had indeed, out of doors, heard of the mode of proceeding adopted with regard to the Irish Propositions, but that their Lordships well knew had been extremely different. In that case, the two Parliaments of Great-Britain and Ireland, being the Negotiators, the Resolutions, and the evidence on which they proceeded, had been sent up from the House of Commons, and their Lordships had been left at full liberty deliberately to discuss the Resolutions, to examine witnesses, and to proceed with all necessary caution, and at length the two Houses had joined in an Address to the Crown, stating to what length they had proceeded, promising to pass such Bills as to them should seem necessary, and desiring the Crown, as the medium between the two Parliaments, to cause the Resolutions to





to be laid before the Parliament of Ireland. How widely different had been the proceeding in the present case? Why it had been different, he was at a loss to imagine, since there was a precedent on the Journals that seemed to him the precise precedent that ought to have been followed;—he meant the precedent of the proceeding upon the Treaty of Utrecht. He stated in what mode the House had then conducted themselves, and drew a character of Bolingbroke, the Minister in 1713. At that time, he said, an Administration, upheld by as powerful a faction as ever governed this country, were in office. The Minister early in life gave proof of uncommon ability and commanding eloquence. By the powers of his oratory he could gloss over the dark side of a picture, and cover its deformity so as to deceive most men, and mislead many. He was of a temper vehement and overbearing, and his passion often inclined him to carry all before him, but still he had in that instance shewn so much respect for the Constitution, that with all his personal authority, with all the influence of his ability, he ventured not to adopt a proceeding like the present. His Lordship contended, that the House could not bind itself by any Address, so as to abandon the free exercise of its legislative capacity; and as it was necessary to prevent the proceeding proposed to be adopted from misleading posterity, he moved,

“ That no Address to the Throne, and no Resolution of this House, can bind this House in its legislative capacity, or bar the subjects right of petitioning this House upon any Bill depending in Parliament, though such Bill be founded upon and conformable to Resolutions to which this House has previously agreed.”

The Marquis of *Buckingham* rose, and having shewn that the present Commercial Treaty had been nearly five months before the public, and that the Treaty of Utrecht had not been more known to Parliament, he declared, he saw no reason for objection. He pointed out in what particular by the proposed mode of proceeding, the House was saved from embarrassment and difficulty.

Marquis of  
Buckingham.



difficulty. He declared, he concurred most fully with the Noble Viscount, that the House could not bind itself by any Address so as to deprive itself of the full exercise of its legislative capacity, or preclude itself from a right of voting, as to its wisdom should seem meet, upon any future Bill or Bills, that might hereafter be brought in as a consequence of the Resolutions, then about to be submitted to their Lordships consideration. As this was a proposition, that no Noble Lord he believed had the smallest inclination to controvert or to question, he saw no reason for their Lordships to vote a *truism*, and therefore he would, with their permission, move the previous Question.

Lord Stormont.

Lord *Stormont* again came forward, and in a few words pressed the House to adopt his Motion, in order that posterity might learn, that their Lordships had exerted that caution in guarding against the establishment of a precedent, that upon the face of it was equally new, and dangerous to the constitution.

The Lord Chancellor put the Question, "That the Order of the Day be now read," which, operating as a previous Question, was carried. The Order of the Day was read, and the House having resolved itself into a Committee of the whole House, Lord Scarisdale in the Chair,

Marquis of Buckingham.

The Marquis of *Buckingham* rose, and took a comprehensive view of the whole subject. The Marquis began with bespeaking the patience of the House, while he proceeded to a detail, that, he said, must necessarily run into a considerable length. He proceeded to lay it down as an incontrovertible fact, that it had been the ancient and uninterrupted practice of Great-Britain, to be connected by a Commercial Treaty with France,\* unless when that practice had been broken in upon by intervening wars. He took up the history of our Treaties with France in the middle of the last century, and traced it to the Treaty of Utrecht, marking all the peculiar circumstances that had occasionally occurred, and accounting for them with great precision and correctness. He next re-

cited





cited the history of the Treaty of Utrecht, and the event that followed with respect to the rejection of the 8th and 9th Articles of that Treaty. He stated that Sir Thomas Hanmer had been the Member who moved for the rejection of those Articles, but so conscious had he been of the general good tendency of the whole of the Treaty of Utrecht, those two Articles excepted, that he was the Member who also moved for an Address to the Queen, thanking her for having made the Treaty, and desiring that means might be immediately adopted for carrying all of it, but the two rejected Articles, into full effect. He said, that Commissaries had been appointed for that purpose by the two Courts; that papers had been exchanged by them accordingly; that the Duke of Bedford, when he concluded the Treaty of Paris, 1763, had proceeded upon the ground of those events, and had formed his Treaty accordingly. He mentioned the Preliminary Articles of Peace of 1783, the Definitive Treaty of the same year, and the nature of the Declaration signed by the Duke of Manchester. He contended, that the Government were bound in some degree to negotiate a Treaty of Commerce with France, and he asserted that a more beneficial Treaty than the present could not have been made. He entered into a detail of the Tariff, and spoke of the obvious advantages that must result from our having a new market, consisting of twenty-four millions of customers, opened to us, considering the evident superiority of our manufactures. He said, in some respects, undoubtedly France would have the advantage, because their Lordships must perceive it would have been impossible to have made a Treaty, in consequence of which some advantages must not be given to that contracting party, at whose hands we had received so many in the Glass Manufactory: he believed, in respect to the large Plated Glass, France would successfully rival us; but then, in our Cotton Manufactory, in our Pottery, and our Hardware, we should have the most decisive superiority. He appealed to the common sense of their Lordships, whether





whether France, importing into England her produce, all of them luxuries, and we, exporting to France our manufactures, most of them necessities, we must not have the advantage in a considerable degree? Families in high life, persons of fortune, and in the superior stations, would consume the imports from France; on the contrary, our manufactures would equally supply the necessities of all descriptions of persons from the prince to the peasant. While our more elegant articles would adorn the persons of the great, our buttons would be worn in the sleeves of the lower order of the people, and the labourer in France would purchase an English knife to cut his dinner with. After expatiating a good deal in this style, the Marquis touched on the Treaty with Portugal, and contended, that if it should unfortunately be broken off, we should be under no distress in regard to the article of cotton, respecting which so much had been said. Our consumption was sixteen millions of pounds annually, and above half that quantity was supplied already from our own colonies, and so much had lately been planted, that in a very short time we should be able to supply ourselves completely, which would now have been the case, had not the Island of Tortola been torn from us at the late Peace; not, said he, that he meant to blame that Peace; his opinion of it was well known. He should ever contend that it had been the salvation of the country, but he mentioned Tortola merely as the Island that had been unfortunately the sacrifice, and some sacrifice, their Lordships well knew, it was necessary to make. At length, after a very long speech, his Lordship moved,

“ That it appears to be expedient, that all Articles of the growth, produce, or manufacture of the European Dominions of the French King, which are not specified in the sixth Article of the Treaty of Navigation and Commerce between his Britannick Majesty and the Most Christian King, signed at Versailles, the 26th of September, 1786, shall be imported into this Kingdom on Payment of Duties as low as

any





any which shall be payable on the Importation of the like Articles from any other European Nation."

Lord Scarborough rose next, and said that the boasted advantages of the Treaty rather inclined him to doubt the sincerity of the Court of France. *Timeo Danaos, et dona ferentes*, was the motto he should always apply to gifts from such a quarter.— French manners, French commerce, and French policy, upon the experience of past perfidy, he declared he should ever hold in detestation and abhorrence.

The Bishop of Landaff said, he had expatiated the preceding day upon matter not immediately within the meaning of the Motion then before the House, and he had done so by design. His design had been, by going somewhat more at large than was absolutely within the precise scope of the Motion, to save their Lordships the trouble of hearing him again at large that day. He begged to have it understood, that his argument, founded on experience, he did not give up; the balances of our trade, and the export of iron, having been as he stated it;— but he saw if he pursued that idea, it would carry him much farther than their Lordships might wish him to go; he would therefore take new ground. The reasons that had moved his Majesty's Ministers to conclude the Commercial Treaty with France, he meant the ostensible motives, were two-fold; one with a view to ensure the duration of Peace, the other in order to encrease the Revenues of the country. These motives were undoubtedly laudable if they were likely to be attained, but that did not appear to him extremely probable. Profound wisdom, sagacity as to the future, and penetrating foresight, were generally held to be the marking characteristics of a good Administration; he hoped his Majesty's present Ministers had that sagacity and that foresight. That they had looked into the consequences that the Treaty would in all probability induce, and that they had received the most unequivocal assurances of the pacific intentions of France. That they had been assured by France, in explicit terms, that she would no more interfere with





with our European alliances; that she would not again, without provocation, attack any part of the Empire of Great-Britain at home or abroad; that she would not foment divisions in Ireland, nor by any act of her's bring upon us the calamities of war. If the true spirit of the Christian religion, a religion the most pure and mild that ever was instituted for the instruction and comfort of mankind, prevailed universally, then the sword of war would be eternally sheathed; there would be an end of all those calamities so shocking to humanity, and France and this country might unite like brothers; but he would be frank enough to acknowledge that he was far from thinking that happy period was near at hand. The Bishop assigned a variety of reasons, why he feared the Commercial Treaty would not in the smallest degree conduce towards the prolongation of peace, declaring that he could not credit the pacific professions of France in the teeth of past experience. If bare professions of amity and regard were to be admitted as arguments of the sincerity of France, let their Lordships turn their recollection back to the period immediately antecedent to the delivering of her Rescript on the part of France, previous to her plunging into the war, when she joined America against this country. Every month's dispatches from the Noble Viscount, at that time Ambassador at Paris, (an Ambassador as able to develope perfidy, and to suspect treachery as ever was sent to a foreign Court) were crammed with pacific professions on the part of the Court of France, and yet they all knew that almost while the dispatches were on the road, without any provocation, France plunged into the war and sided against us. They had, his Lordship observed, been called upon to give up their prejudices, and regard France in a more friendly point of view; let him be convinced that she merited to be so regarded, and he would be one of the first to express his joy at so happy a conversion; but France was the natural rival of this country, and she was not less so in politics, because she was invited to become our rival in trade, and our rival in commerce. He said, he had ever  
been.





been led to consider France as a perfidious and treacherous foe, to suspect her as a negociator, to dread her as a great, and to detest her as an ambitious nation.

Having reasoned to this purport on the first head of his argument, the probable duration of peace, that the Commercial Treaty with France was likely to produce, he said, he would proceed to consider in what degree the measure would add to the revenue. The loss of the customs upon the lowering the various duties proposed in the Treaty, would amount at least to 300,000l. which was a most serious defalcation; and how was that to be made up? It had been said, that the deficiency would be made good by sums derived to Government by other means. That, he contended, was a most unsatisfactory way of making up so capital a deficiency in any one specific branch of the Revenue; and he had every reason to think, that those were deceived who imagined it would be furnished from the increased exports of our manufactures. The silence of the Manufacturers, he understood, had been relied on as a proof that they approved of the Treaty. He would readily acknowledge, that he believed they did approve of it, because if they had not, their Lordships would have seen them at their bar; but he could not help saying, he was a little at a loss to account for the consistency of the Manufacturers, upon comparing their evidence delivered upon the business of the Irish Propositions, and their conduct with respect to the Commercial Treaty. He had, he assured the Committee, within a very few days since, read the whole of the evidence those Manufacturers had given at that time; and when he considered the manner in which they had expressed their alarm, lest Ireland should possess itself of their capital, and by the advantages of cheapness of labour and food, be able to rival them in their own markets, he could not account for their not expressing any similar apprehensions with regard to the people of France, confessedly an ingenious and a manufacturing people, whereas the Irish were notoriously not industrious, not ingenious, nor at all practised





in the arts of manufacture. The only way that he could solve the doubt was by supposing that the Manufacturers had their warehouses full of goods, and that having out-manufactured the home market, they greedily grasped at the speculative prospect of immediate profit, commercial advantages from clearing their stores and carrying their manufactures to the market of France. In theological controversy it was a maxim to commend that argument that suited best the favourite point in debate. Perhaps something similar to this prevailed in respect to the opinions of Manufacturers, and that although they were not deemed sufficient authorities to be relied on, when they delivered their judgments against a measure that Government wished to bring forward, yet they were now to be referred to as oracles of truth, because they were silent and murmured not at a project, big with present advantage to themselves. He had the honour to be known to several of the Manufacturers, and he knew them to be honest and ingenious men; but when they were led away by the prospect of gain, beyond that point that prudence had chalked out as their proper sphere of action, it was the duty of their Lordships to interfere, and to curb the avarice of the Manufacturer. Having been as determined a friend to the Irish Propositions, as he was a determined foe to the Commercial Treaty, it might possibly be asked how he, who had just arraigned the consistency of the Irish Propositions, could reconcile his own consistency? Two words would do it. The two measures differed *toto cælo* from each other. In the Irish Propositions, he had not been without his doubts; but what reconciled him to hazard his vote was, he was giving his consent that one part of the empire should be rendered more flourishing than it was. In forwarding the interest of Ireland, he was forwarding the interest of Great-Britain, and taking nothing out of the general scale of the interests of the empire. What was he now called upon to do? to give that to the natural rival of the British empire, to make France rich, and consequently, if the two countries, by means of the Treaty, throve equally  
in





in point of resources, we were not only, comparatively speaking, in *statu quo*, but France was better off than we were in the proportion of twenty-four millions to eight millions. It had, he observed, been used as an argument, that we had a market of twenty-four millions of customers opened to us, before it was admitted that those twenty-four millions would become customers in their aggravated comparison equally with three times eight millions, the number of customers that constituted our home market. He should beg leave to desire, that it might be made appear that these twenty-four millions of new customers had individually the same occasions for purchasing, the same inclination to buy, and the same wealth to enable to pay for what they bought, as the eight millions had.

The Bishop having stated this, went more into detail. He said, Mr. Wedgewood, one of the most respectable Gentlemen of that description, had witnessed, that if the tools the British Manufacturers worked with, were got into the possession of foreign artists, we might look in vain for the superiority we had hitherto maintained. What would their Lordships then say, when they heard he had been told by a Manufacturer of Birmingham, a man of the first credit and character, that there was a public room in Paris where all the various tools used by our Manufacturers were kept for the inspection of French workmen. He said he had not authority to mention the Manufacturer's name, merely because he had not asked his permission so to do, not imagining he should have occasion to state the fact there. The Noble Marquis, the Bishop observed, had admitted, that he believed the Manufacturers of the large Plate Glass might be sufferers by the Treaty; he could go further, and assure the House, that not only in the Plate Glass, but the other sorts of Glass, the French would rival us; a very capital Glass Manufacturer having assured him, that he should break up his Manufactory entirely, and import all the Glass he sold, and that he had not a doubt but that the public would drink their French Wines out of French glasses. As a proof of the superiority of





the French in respect to Glafs, both in point of skill and cheapness of workmanship, the Bishop declared the same Manufacturer had shewn him a cut glafs, purchased at a public shop in Paris for 2s. 11d. and that he had sent a glafs of the same size and shape to be cut here in London, when the workman charged him five shillings for the bare cutting. In the article of Iron, likewise, proof was to be had, that the French not only had Iron as well as we, but that they knew how to work it as well, and in some respects better. In Burgundy they had long since cast Iron in pigs, as good as we cast in Colebrook Dale; and they had since cast the Iron Pipes that supplied the City of Paris with water, which always used to be cast in England till of late; add to which, they could bore cylinders better than we could. With regard to Coal, he said, he had good reason to think they had Coal as well as we, when they would give themselves the trouble to dig for it, as the strata of their earth in many parts exactly resembled our strata, where the ground was incumbent over coal pits. Besides, a French author, of great authority, Monsieur Helot, one of the best writers on the subject of Mines, so long ago as the year 1750, has a passage, which he (the Bishop) would give to the House, but in English, as his pronunciation of French was not the best, and he did not wish to improve it with any farther commerce with France. His Lordship then stated the passage, in which the author declared, there were in many parts of France, coals at least as good (*du moins aussi bon*) as in England. In respect to Woollens, he declared, he had no great apprehensions; the French superfines might indeed undersell us. Being made entirely of Spanish wool, they were lighter and of pleasanter wear; but he denied that the French possessed the art of dyeing in greater perfection than we did; our blacks and scarlets were now as good a colour as their blacks and scarlets. The Bishop said, he had a part of a black coat on, which was dyed by a new process, and was as good a colour then as any French black; the army and the clergy therefore might be supplied with  
their





their coats at home. He added various other arguments to prove, that there was little reason for us to boast of any very great superiority in point either of possession of materials for manufacture, or of ingenuity of workmanship. With regard to the 300,000*l.* deficiency in the Customs, he said, he would fairly confess, he ~~did~~ see a way in which it might be made up, viz. from the additional quantum of duty collected on the additional import of French Wines. In order to illustrate this position, he instanced the case of Ireland, where it was clear to demonstration, was drank more than twice as much wine as before, when they imported Claret and not Port. After going through a vast field of observation and argument, the Bishop apologized for having taken so much of the time of the House, and declared he had delivered his real opinion. He said, he had too much pride servilely to enlist under the banners of any Ministry, or any opposition; indeed, it would have been a profanation of his sacred vestments to have acted in so base a manner. He professed himself a determined enemy to the Commercial Treaty, because he believed it to be big with fatal consequences to his country; but should what was in the womb of time prove his opinion to have been erroneous, he should rejoice at the circumstance, and be one of the first to confess his error, and to ridicule, as absurd and visionary, that imbecility of his reason.

Lord *Walsingham* replied, and observed that the Right Reverend Prelate had himself answered his main objection, viz. the argument of the deficiency of 300,000*l.* in the Customs, by stating that it would be made up by the duty on French Wines alone. That being granted, his Lordship said, it must necessarily follow that a large addition of revenue must result from other articles of import. Lord *Walsingham* declared the Noble Marquis, who opened the debate, had so fully and so ably gone into the whole of the argument, that he had superseded the necessity for him to say much; the Noble Marquis, however, having cleared the ground for him, he would take the liberty of stating





stating a few striking particulars, which would, he conceived, fully establish, to the satisfaction of their Lordships, very great advantages that must necessarily result from the whole of the Treaty. His Lordship then, in a clear and masterly manner, went through the whole Treaty, accompanying what he said with pertinent historical remarks and illustrations.

Lord Fortescue.

Lord *Fortescue* supported the Treaty as a measure obviously beneficial to the country, and in no respect more so, than in its restoring to Great-Britain a large description of subjects who had long been estranged from it; he meant that numerous body of men who had for years lived by carrying on the business of smuggling, and who having been bred to the sea, might, after the Treaty was carried into effect, earn their living with credit and safety to themselves, and with advantage to their country.

Earl of Hopetoun.

The Earl of *Hopetoun* gave his reasons for supporting the Treaty, and among a variety of other observations, declared, that he hoped the consequences would be lasting amity and friendship with France, whom he never wished Great-Britain should have occasion to meet in the field again sword in hand. His Lordship declared, he should be ready to vote the thanks of the House to Ministers, for having made a Treaty so beneficial to their country.

Lord Stormont.

Lord *Stormont* spoke against it. His Lordship adduced various new arguments. Speaking of the excellence, ingenuity, and skill of our manufactures, he confessed that he laboured under an obvious disadvantage. He spoke of the Athenians to the Athenians, and undoubtedly, as the House participated in the fame of British Manufacturers, they liked to hear them praised. He said, as his sentiments on the subject, he feared, would not meet the approbation of the majority, he would shelter himself under a great name, that of Lord Bacon, who, in his history of Henry VII. said, that Prince “first bent the policy of this country from profit to power.” This was a maxim he wished to impress on their Lordships’ minds. If we sacrificed to profit, and lost sight of power, we mistook our situation, and must





forego all pretensions to being deemed a great nation, the Holders of the Balance of Power in Europe! He contrasted our characteristic with that of Holland. The avowed object of that Republic was profit solely. We should be selfless idiots if we aimed at so base and so abject an attainment. His Lordship said, he would speak to the Treaty in its two different points of view, viz. as a Commercial Treaty, and as a Treaty of Navigation, and first to the Commercial objects. His Lordship urged a variety of reasons why he thought the advantages precarious and doubtful. With regard to the Cotton Manufactory, he stated that there were already two of Arkwright's Machines erected near Rouen. There was little doubt, therefore, but the French might in a short time rival us in that manufacture of which we now thought so much. In regard to the tendency of the Treaty in respect to our Navigation, he pointed out the 40th Article, that respecting the Neutral Code, as particularly and highly objectionable. He also pointed out the Articles allowing the carrying of ships masts, yards, &c. &c. as likely to cripple this nation considerably in time of future war. After going through the Treaty with his usual pertinence and keenness of animadversion, his Lordship turned his argument from the measure to the conduct of the Minister. When he first came into office, he said, the eyes of all Europe had been upon him. Public expectation was greatly excited, because his early display of uncommon talents gave mankind to look for much indeed. It was natural to regard young men, whose first onset in life had been splendid, as objects of considerable expectation. This was the case with regard to the present Minister. All the world had heard of his extraordinary bursting forth into a political situation, rarely entrusted in the hands of youth, and all the world hoped the fruit would have proved equal to the promise of the blossom. What was the result? Enquire in any foreign Court, and the answer would be, the Minister of England is entering into a close alliance with France;—with France, the natural rival, the ancient foe to the greatness of this country,





who, amidst fluctuating administrations, had distinguished herself by uniformity of counsels, and uniformity of enmity to Great Britain! Let Noble Lords weigh the words, and they would be judges, what all Europe thought of the British Minister. His Lordship followed these with a variety of other arguments against the Treaty, and instanced the fortifications at Cherbourg, and the Treaty of France with America and with Russia, as not unstriking indications of the sincerity of French professions towards this country.

Lord Hawkesbury.

Lord *Hawkesbury* rose next, and begged the attention of the House for a few observations on what had fallen from the different Noble Lords, who had spoken in the debate. His Lordship began by taking notice of Lord Stormont's quotation from Lord Bacon, relative to Henry the Seventh, and said, he was at a loss to imagine where he was to look for any traces of the trade of this country before the time of Henry the Seventh, for though that Prince laid the foundation for the future Commerce of the country by removing difficulties, that had till then opposed themselves in the way of trade, we certainly had no Commerce prior to the time of Henry VII. so far from it, we in that reign even sent our own wood to Flanders to be worked and manufactured. Lord Hawkesbury justified the Treaty by arguments of irresistible force; he said, the Treaty did not deprive us of the opportunity of making any alliances whatsoever; it did not prevent us from entering into other Treaties; it merely promised a most useful extension of our trade, by enabling our Manufacturers to carry their manufactures to the market of France. He reminded the Committee that France, from her situation, being bounded by Spain, by Italy, by Germany, and by Flanders, promised to prove the medium of extending our commodities, and our manufacture, to almost all the European world. He instanced the case of Flanders, the balance of trade with which had been stated the preceding day, by a Right Rev. Prelate, to amount to 800,000*l.* He asked if Noble Lords thought the consumption of Flanders was equal  
to





to that amount? Certainly not. The largeness of the sum was owing to the different countries to which our manufactures found their way through Flånders. He mentioned the high duties that had till lately been imposed upon our manufactures in almost every country in Europe, as if the nations of that quarter of the globe had entered into a combination, to defeat our deriving that advantage from the industry and ingenuity of our Manufacturers, that we had a right to expect. He followed these arguments with others of a similar nature, and replied to several parts of the Bishop of Llandaff's speech, and to what Lord Stormont had said upon the 40th Article, and upon such parts of the Treaty as related to the navigation of the country.

The Marquis of *Lansdown* rose, he said, to justify himself for his conduct, as far as regarded the concern he had been known to have in drawing and negotiating of the Preliminary Treaty of Peace, the 18th Article of which had, in the course of the conversation that day, and of the Debate the preceding day, been so much commented upon. Had he not thought it due to their Lordships, and due to himself, that he should say something in his own justification, he declared he would not, at that late hour of the night, have intruded upon their time. The Article in question had, he said, been well explained by the Noble Lord who spoke last, and by other Noble Lords who had taken part in the Debate. The fact was, in making the Preliminary Treaty, he had studiously aimed at drawing it large, and leaving it open, so as to commit the country as little as possible. His Lordship observed, that, in matters of that kind, there was as much merit in omissions as in insertions. The attainment of that merit had been his object. He took notice of the Commercial Treaty then under consideration, and said, for the principle of that Treaty he was ready to confess himself deeply responsible. As far as the principle went, he had prepared the way for it, but he had not pushed

Marquis of  
Lansdown,





it at the time of the Treaty of Peace, because he thought the country not ripe for the conclusion of a Commercial Treaty at that day, but thought it more wise to have it ready to be proceeded upon by any future Government, satisfied with having put it in such a train, that if the completion and execution of the measure fell into any decent hands, it could not possibly fail of being successfully perfected: he declared, therefore, that the Treaty had his entire approbation.—A Right Reverend Prelate had, he observed, talked of having the *honour* to know several Manufacturers: he would not talk in that style, because he was not the man to flatter any body of Manufacturers, or to court them for the sake of popularity, or any such idle purpose; he despised the idea, but at the same time he was ready to do justice to the Manufacturers of the kingdom, to acknowledge that they were ingenious and intelligent men, and to do what it behoved every one of their Lordships to do, to honour the Manufacturers so far as to admit them to them, to converse with them freely, and by that means the better to enable themselves to do their duty in that House. The Manufacturers, he said, would naturally come to them, instead of its being necessary for them to go in search of the Manufacturers; and the reason was obvious,—they would come for their own purpose, their interest would oblige them to do so, and much good would necessarily result from the communication. When he looked at the Commercial Treaty, he said, he was proud of the conduct of the Manufacturers; a conduct which their silence testified so greatly to their credit, and so highly to their honour. The body of English Manufacturers had proved themselves to be men of sense and understanding,—men of enlightened minds, who saw the Treaty in its true light,—men who were upon a footing with even the French Ministers, and knew the drift and tendency of the Treaty as well as they did. Any man, he repeated it, might be proud, this country might be proud, that her Manufacturers,





ers, in a body, came down from their strong holds, fenced in as they were by prohibitions, and mixed with the world: in that they resembled the conduct of a despotic Prince, who, being above narrow prejudices, disbands his army, dismisses his garrison, quits his fortification, comes down from his throne, and walks into council, placing himself on a footing with the Council-board, and trusts entirely to the powers of fair reason and argument, rather than to the dread of his strength, or to the impression the fear of his resentment might create. In like manner, the Manufacturers, seated as they had been on the throne of monopoly, had generously descended from it, and seeing the true policy of the measure, consented without a murmur to give up all their prohibitions, to meet the foreign Manufacturer in his own market, to travel abroad with their manufactures, and to bring home wealth in one hand, and revenue in the other.

His Lordship explained the nature of the Commercial Treaty, by saying that he would not adopt the arguments of the Noble Lords near him, nor talk of this country having a commercial connexion with France as a new thing. A new thing! where was he to find that? in what book was he to search for it? If he knew any thing of the history of this country, the not being in a Treaty of Commerce with France was more novel, and more modern, than entering into such a Treaty.—The Noble Viscount had talked of the reign of Henry the Seventh, and the Noble Lord, who had spoken last, had truly said, he knew not of any commerce this country had, prior to that time. It was undoubtedly true, that Great-Britain had not any commerce till after that reign: she had, for a century, been engrossed in wars in France, wars for possessions there; but they had not been wars of this country, not island wars, not the wars of England. From the period of that reign, we were connected with France, and continued to be connected till the reign of the Stuarts; after which that wise man, who governed





governed this country so well, Oliver Cromwell, entered into a Treaty with France, which was adhered to till the Second James came to the throne. After that, when William the Third was King, the character of whose reign they all knew, a different policy prevailed; but, great as the fame of that Prince was, it was not, he believed, much encreased by his Dutch wars. In 1713, however, a new Treaty was formed, and during the long administration of Sir Robert Walpole, this country was again at peace with France, and in treaty with her. This was, his Lordship said, enough to shew that it was the old system to be in a Treaty of Commerce with France.—With regard to our being the *natural enemy* of France, he denied that we could be the natural enemy of any country. There was no such thing, he contended, unless where one country held a province belonging to the other, and was actually in the performance of some act of injustice; there, indeed, the country so holding a province of another, or actually in the performance of an act of injustice, might be declared the natural enemy of the other country: he therefore reprobated and condemned the idea of our terming France the natural enemy of Great-Britain, or, *vice versa*, he condemned all the nonsense of calling France perfidious and deceitful. He said, he was not fond of calling hard names at any time, and it was not only beneath the dignity of this country, but in the case of France, utterly groundless. The present French King, he said, was a lover of justice, and a lover of his subjects, as much so as Louis the Fourteenth was a lover of glory and of ambition. His Lordship drew the parallel very clearly between Louis the Fourteenth and Louis the Sixteenth, and after having exhibited a forcible portrait of the two, he said, the natural enemy of Great-Britain, and of every other state, was the King of Prussia, who had an existing army of 300,000 men. It was those who kept up such monstrous armies, to debauch the world, and carry despotism from one place to another,





ther, that ought to be regarded as the natural enemies of this country.—After suggesting this, he said, there were two reasons for our changing our system with regard to trade, and these were, our monopolies became odious from their selfishness, and our prohibitions and high duties had generated that monster, the illicit Trader, whose rapid strides had become serious in the extreme, and had excited the amazement of the world,—that contemptible animal, called a Smuggler, having, as it were, carried his practices to such a pitch, as to have defied the power of check or controul, and almost to have taken the government into his own hands. A change of system, therefore, became necessary, and thence the Commercial Treaty with France, who was herself determined on pacific conduct, and to turn her attention principally to trade and commerce.—His Lordship ridiculed the learned Prelate's balances of the state of our trade during the last and present century, and said, no Custom-house books, no balances of any kind soever, were capable of shewing the flourishing state of our trade: it was beyond all apprehension, but not easily come at, because the Manufacturers were not to be trusted on certain occasions, and especially respecting the state of our home market. He declared, when a Manufacturer was questioned as to high duties or prohibitions, he was not to be trusted; but when you talked to him of a foreign market, then he might be safely relied on. Thus, in the present case, he was persuaded the Manufacturers might be depended upon, and he approved highly of their spirit, in consenting to go to meet the foreign Manufacturers in their own market.

He took notice of what Lord Stormont had said of the uniformity of the councils of France, and the uniformity of her enmity to this country, and denied that either of them could be proved. In order to make out his own argument, he went much at large into a history of the origin of all our wars with France of late years, and shewed that we had, in each particular





lar instance, been led into war with that country by some accidental incident, or some unforeseen circumstance, that bore no relation to uniformity of councils or uniformity of enmity. He condemned, therefore, all idea of forbearing to take advantage of the largest market on the face of the globe, the French market, and on that ground commended the French Commercial Treaty. He said, he hoped Ministers would not, on that account, however, fail to watch the motions of France; and when any part of her conduct looked like her still possessing a lurking passion for ambition, that they would take care to hold a language proclaiming it to all the world, and a language becoming the dignity of this country. The stupendous works going on at Cherbourg, were, he said, fit subject for a representation, though from the accounts he had received, he was not of opinion that those works would come to any thing. He had lately seen some engineers, and conversed with them upon the subject, who told him, that in their opinion, the works at Cherbourg would not be of the use that France imagined. Perhaps the fortifications now going on at the Port of Cherbourg were to be accounted for, as some things here were. The Ministers of each department might be left to act separately, and thus the Minister of one department might be endeavouring to signalize himself, without the concurrence of the rest of the French Government. He gave the French the character of a polite and amiable people, and said much of their resolution to keep in their present pacific humour.

Speaking of the Treaty, he expressed his astonishment how the article respecting the neutral code came to be inserted, and declared, he perfectly agreed with the Noble Viscount respecting it, excepting only that he did not for the same reason regret it, as he rather feared that Russia and France should enter into an alliance, than make a war upon each other. He spoke much at large upon this head, and said, we had refused Holland, and we had refused Russia the favour of that article, and the latter, even when we were under the necessity of courting her alliance





alliance during the late war ; why, therefore, Ministers should now have given it to France, and put it in her power to give it to Russia, he could not imagine. He saw no occasion for it whatever ; nor would he admit that, by the Preliminaries of the Treaty of Peace, Ministers were bound to take any article of the Commercial Treaty from the Treaty of Utrecht. He was a little surpris'd also, that in drawing the Commercial Treaty, the Treaty of Utrecht should be copied. Less antiquated language, and articles drawn more in modern style, might, he thought, have been inserted. He mentioned the Irish Propositions, and said, it was obvious why the manufacurers, who did not like that measure, were friends to this. Ireland afforded but a small and scanty market, and that market was already in their possession ; they did not therefore choose to risque the hazard ; but France afforded them a much larger market, in proportion as 240,000 inhabitants were superior to three or four million. But Ireland, he said, could not be suffered to remain as she was, after passing of the Treaty, because that country could not surely be meant by Government to stand in the singular predicament of receiving greater favours from France than she was entitled to from England. It was idle, he contended, to talk of the Irish Propositions having been offered and rejected, and therefore that nothing else was to be done for Ireland. He observed, that if Ireland was independent of this country, his Majesty's Ministers were as closely connected with the Parliament of that country as of this, and it behoved them to take care that something was done to draw the interests of the kingdom closer to those of England, and thereby to strengthen the general interests of the empire.

He mentioned, that there were in the Commercial Treaty on each side three or four unreciprocal species of goods or produce ; on the part of France, her wines, her brandies, her oils, and her vinegars. on our part, coal, tin, and lead ; the unreciprocal articles of France were luxuries, whereas our unreciprocal articles were either necessaries, or materials for manufactory.



manufactory. As therefore we gave France an evident advantage in taking her produce, and that produce of such a nature, he meant that France should have given us a considerable advantage in return, and he would fairly say, the advantage he had in his contemplation was, what had a reference to our navigation. In short, as we gave France the land, she should have let us have the sea. Another omission he observed in the Treaty, and that was material, viz. relative to our affairs in the East-Indies. He described our possessions in that quarter of the globe, and observed that France had a small bit in a corner in the middle of our possessions, like a single field in the middle of a gentleman's estate. He stated, that he had received information, that our East-India Company had lately been in treaty with France, and that the Treaty was so far concluded as to have been actually signed, but luckily France refused to accept it on the terms specified. He heartily rejoiced that she had, since he learnt that if the Treaty had been accepted by France, we should have lost every one of the advantages that the Definitive Treaty gave us in India, such as the right of pre-emption, &c. and that not the smallest care had been taken of our navigation. His Lordship expatiated on this for some minutes. At length, after touching on a variety of important articles, he came to speak of Portugal, and declared it had astonished him to hear the House debating the day before about Portugal, which he must contend, was a consideration totally foreign to the Commercial Treaty with France, so much so, that he went away vexed the preceding evening that Ministers should have gone into a debate about it. Had he been to advise, he would not have suffered Ministers to have given any answer, further than a declaration that a Treaty was pending, and, therefore, that they would not give a paper, or say a word upon the subject. The Treaty contained a full reserve for Portugal, and that was enough; but Noble Lords had talked about grievances of the merchants as matters of slight importance. They were far otherwise. When he was in office in 1767, they were  
stated





stated to him, and he end avoured to obtain redress; when he came into office again in 1782, he found them still unredressed. He would not, he said, as other Lords had, talk of the Methuen Treaty as the basis of our trade with Portugal, but mention the Treaties, the Methuen Treaty being nothing more than a convention referring to Oliver Cromwell's Treaty in 1650. By those Treaties Great-Britain was to be empowered to have not only a navigation to Lisbon, and to be entitled to the benefit of Lisbon harbour, but to a decisive navigation to the Brazils, and a residence there. All those conditions Portugal had denied to fulfil. She had, besides, loaded our woollens with heavy duties, and even taxed the wines we purchased of her. Of these grievances repeated remonstrances had been made, but without success. Trusting to the natural indolence of Great-Britain, Portugal had gone on accumulating fresh grievances, and what was very extraordinary, receiving fresh favours from Great-Britain; for just as he had hinted, that the affair of Cherbourg might have happened, so he believed the case of Portugal might be accounted for. Each Secretary of State had regularly remonstrated, and at the very time the Treasury had granted some new favour. No longer ago than last Sessions of Parliament, when wines were excised, a favour had been done to Portugal. His Lordship said, such being the nature of the case, he was convinced no redress could have been obtained, had not Government concluded a Treaty with France. He declared he wished well to Portugal, but it was high time that she was compelled to comply with the stipulations of the Treaty she had signed with this country. As a child by degrees takes more and more liberties till at length the parent is obliged to be rough, and insist on subordination, so with Portugal, she had gone on adding violation of Treaty to violation, and at last, he supposed, it would cost this country a struggle; he trusted, however, that it would be no more than a struggle. He spoke highly of the Portuguese Ministers, as well those formerly as the present, and said, he could not conceive that Portugal would





would not, on proper representation, consent to remedy the grievances in question, because Portugal had received considerable service from this country, and had not lost her senses. If she broke with us, who was to drink 12,000 tons of wines annually?

He observed, that the Seventh Article of the Treaty was so drawn, that he could not understand it. According to the stipulation with Portugal, her wines were to be received in Great-Britain on lower duties than the wines of France; but according to the Seventh Article of the Treaty, it appeared that they would come in lower than any other wines, even than the wines of Spain. After an infinite variety of observations and arguments, the Marquis indulged himself in some general reflections on the conduct of the two countries of Great-Britain and France. The latter, he said, could boast of a virtuous people, whereas, if we went on rotting in our corruption, and sacrificing the Army, the Church, and the State, to the paltry purpose of procuring a majority in both Houses, abusing each other, talking of a coalition and such stuff and nonsense, we could neither expect to be prosperous, wealthy, nor powerful. He concluded with declaring, that he should vote for the Resolution.

Lord  
Townsend.

Lord *Townsend* assigned his reasons for thinking Cherbourg would not prove of the service to France that she might expect; his Lordship compared Cherbourg with Dunkirk, and contended, that there was an essential difference between a deep-water harbour, and a harbour formed by projecting points, which an enemy can cruise across, and command as she passes. His Lordship expressed himself at any rate adverse to his Majesty's Ministers remonstrating with the Court of France on that subject just at present, as the doing so would frustrate the completing the negociation of the Commercial Treaty, which his Lordship said he was happy to know, was likely to be well received in Ireland. He hoped therefore it would prove a means of making the country some amends for the failure of the

Pro-





Propositions. His Lordship talked of the Bill as a Bill of experiment, and thought it on that ground unobjectionable. He declared therefore he would vote for the Resolution.

Lord *Carlisle* rose to thank Lord Lansdown for having done the House that favour, which they had not been able to collect from the silence of Ministers, viz. that the nature of the grievances which the merchants had to complain of against the Court of Portugal, and which appeared to him to have been so trifling, that if Ministers had treated Portugal like a spoilt child, and frowned a little at it, it would have come to itself and behaved better, without the necessity of more violent correction. His Lordship commented on the Noble Marquis's having advised Ministers to be silent respecting Portugal; he assured the Noble Marquis they had no occasion for his advice, for it was very rare indeed that they broke silence on any occasion. He animadverted on the Noble Marquis's manner of speaking of France, and said, something of the style of mentioning that kingdom had got into debates in both Houses, and even into the mouths of Ministers; that it seemed to have been selected out of the novels of a circulating library, or out of sentimental comedies.

The Marquis of *Lansdown* thanked the Noble Earl for having endeavoured to correct him, but begged leave to set the Noble Earl right; he appealed to their Lordships whether he had paid so respectable a kingdom as Portugal so bad a compliment as to compare it to a spoilt child, or whether he had said, the grievances we had to complain of were trifling. On the contrary, the Committee could witness that he had stated them to be weighty and momentous, and that he had assigned as one reason for his approving of the present Commercial Treaty with France, his conviction that without that Treaty in their hands, Ministers would not be able to obtain that redress from Portugal which this country had a right to expect. His Lordship said some handsome things of the present Portuguese Minister, and of the Court of Lisbon; and before he sat down, in answer to Lord





Carlisle's declaration, that some expressions that had been applied to France, appeared to have been selected out of sentimental novels, or sentimental comedies, he assured the Noble Earl he never wrote either, but he had a profound respect for those that had.

Lord Carlisle.

Lord *Carlisle*, in a short reply, thanked the Noble Marquis for having fully stated the real nature of the complaints that remained to be redressed by the Court of Portugal.

The Chairman put the Question, and the Committee divided,  
*Contents, 81. Not Contents, 35.*

The Chairman was directed to report progress, and ask leave to sit again; and the House being resumed, immediately adjourned, it being past one in the morning.

*Monday, March 5, 1787.*

### C O M M E R C I A L T R E A T Y:

The House received the Report from the Committee of the Resolutions passed on the Commercial Treaty, when the Clerk having read the first,

Marquis of Buckingham.

The Marquis of *Buckingham* rose and said, that having in the commencement of the business in the Committee, taken up so much of their Lordships time in stating at large the reasons on which he gave his assent to the Treaty, he should not now occupy their time by going over the ground again; but should for the present, content himself with moving, that their Lordships should agree with the Committee in their Resolutions. He begged leave, however, to reserve to himself the right of offering any observations that might occur to him in consequence of what might be advanced.

Duke of Manchester.

The Duke of *Manchester* entered at some length into the discussion of the merits of the Treaty, and argued forcibly against  
 its





its adoption. He said he had the fullest confidence that on a full and mature examination it would be found, that even in its most favourable points the Treaty would be formed highly objectionable. There was no part of it, however, in which it was so much so, as in the article by which we yielded to the doctrine of the neutral code, and gave up the advantageous distinction which we held in the great article of navigation. Having done it in this instance, it was impossible that we could retain it with other powers; nay, we must insult other powers to whom we had refused the advantage, by giving it up in this manner to a nation, with whom at least we had no former connection, and to whom we certainly owed no obligation. He argued on this point for some time, and said, that in the present day of politeness it would not be permitted to him to harbour even jealousy of the French nation, much less must he venture to offend their nice ears by calling them either treacherous or hostile. They must no longer be termed the natural enemy of England; he would not, for his own part, assume a tone offensive to this new-fashioned delicacy; but he must be permitted to say, that without touching on the civility due from one nation to another, we had no good reason for trusting implicitly to the French councils. All their former proceedings manifested their direct hostility to England. Without searching deep into the history of the two nations, he would only instance their conduct in the last war, when they, without the shadow of a pretence, broke the profound peace that subsisted between the two nations, and at the very moment when they were making the loudest professions of friendship, entered into a Treaty with America, and aimed the most destructive blow at the power, dominion, and prosperity of England. We must shut our eyes, ears, and understandings to every thing, if we must believe that the Ministers of France always meant honestly what they professed. An anecdote which occurred to him when in Paris, was a strong proof that they did not even themselves think that they were, or ought to be trusted. In a trans-



action which he had with the great Minister who was now no more, and who was in private life as honest and as honourable a man as he ever met with—when he shewed some distrust of what M. de Vergennes said, he made use of these remarkable words, “ Je ne parle pas comme un Ministre, mais comme un Gentilhomme, et ainsi depend de mon honneur.” I do not speak as a Minister, but as a Gentleman, and therefore you may trust to my honour.” He desired to know, if since the peace the conduct of France had been such as to inspire us with confidence in her professions. A Noble Marquis observed on a former day, that the Sovereign whom we ought most to distrust, was he who should maintain a large army in time of peace. On this he must be permitted to observe, that being as we were, an island depending on our marine, we had nothing to dread from a Sovereign who merely possessed a monstrous army, unless he also possessed a powerful fleet. The enemy whom we had to dread was the Sovereign who decreased his army to advance his maritime strength,—and such was the Monarch of France.<sup>o</sup> It was a fact, that ever since the peace they had been pursuing the wisest and most vigorous means of increasing their navy. The peace was hardly concluded before a council was held to enquire into the state of the navy; and this was no sooner held, than orders were rapidly issued for the most strenuous effects in the parts most advantageous for the service. They had hunted in every corner of the world for materials. They had made contracts for ship-timber in all the Northern States of Europe, in America, and even in Asia. In the latter they had contracted for whole forests. They had built no less than sixteen line<sup>o</sup> of battle ships since the peace. What did all this tend to? To inspire us with confidence in their pacific intentions? Surely not; such formidable preparations, attended with expences so enormous at a time when they could so ill bear expence, indicated nothing but hostility, and that hostility





tility must be pointed against England; for were it against any other power, her means would be different.

In this great political aspect, therefore, he must be free to give his opinion, with all proper respect for the polite feelings of the day, that he distrusted the views of France. In the lesser considerations of the Treaty, the advantages of the Tariff, he had also his doubts. How few of the articles of manufacture were there which we enjoyed without their competition? He believed, that unless the Birmingham and Pottery branches in the hardware, there was not an article in which they were not making vigorous and successful efforts to rival us. In glass it was manifest they would rival, if not excel us. In cabinet ware they were as dexterous, and fifty per cent. cheaper. In many other articles, even in woollens, he was afraid our manufacturers would find themselves deceived in their sanguine expectations of increased consumption. He begged pardon of their Lordships for detaining them so long, but he thought it his duty to state his reasons for the vote he should give that night against the Treaty.

The Marquis of *Buckingham* chiefly answered the Noble Duke on the political topics which he had touched. In regard to the insincerity of the French, it certainly was not the design of Ministers to consider the French as morally sincere at this time more than formerly. Neither was this Treaty to make Ministers less jealous of the designs, or of the preparations of France. The Noble Duke said, there was evidence in history of the French having been uniformly the natural enemy of England. In what history, or in what part of Europe could the Noble Duke find a power that had been, or that was the natural friend? There was no such thing between independent states as natural friendship, or natural enmity. It was interest and contingency all. What Ministers said on the subject of the Treaty was, that it gave us a rational hope for the duration of peace, because it made it the

Marquis of  
Buckingham.





interest of the French to be friendly. Her true prosperity depended as much on the faithful pursuit of this new commercial connexion as did that of England ; and this was the sum total of the change which the Treaty made on the relative condition of the two countries ; that it disposed them both to friendship, without lulling either into a dangerous repose in professions, or suspending the necessary precautions against danger. It was argued, that this Treaty tended to throw a great part of our commerce into the hands of France ; we run the alarming hazard of suffering a loss in case of a war. What was the consequence of the last war, when, though engaged with four maritime powers, our commerce was not only protected, but was seen to flourish ; nay, when it contrived to send into, and circulate through France our produce and manufactures ? There was an ability in the English commerce which baffled competition ; and the same ability would be found in our manufactures. He was by no means alarmed at what the Noble Duke had stated of the condition of the French manufactures. Not only our hardwares and pottery, but our cottons and woollens, and various other most valuable articles of our trade, would find their way into great and decisive circulation in France.

Duke of  
Manchester.

The Duke of *Manchester* spoke in explanation, and added, that the moment Great-Britain, for the sake of temporary gain, departed from that great political system by which she had risen to eminence among the nations of Europe, from that moment she would degenerate, and become, like the Dutch, a mere nation of merchants.

Lord Stor-  
mont.

Lord Viscount *Stormont* declared, that he had not yet heard a syllable in support of the Treaty, that in the least altered his opinion. Adhering to those sentiments which he had the honour to deliver the other day, he would not trouble their Lordships with going over the same ground. He could not avoid, however, taking an opportunity of condemning that  
part





part of the Treaty in particular which recognized, or at least tacitly acknowledged the principles of that system which would be the ruin of our navy;—he meant the Neutral Code.

The Earl of *Carlisle* persisted in thinking the Treaty, both in its principle and in the detail, hostile to the interests of this country, not only in a political, but in a commercial point of view. He admitted the superiority of our manufactures, but dreaded that we should not long be able to preserve that superiority; and with respect to our superiority of industry, that was of a more temporary nature than even the other. His Lordship animadverted on the conduct of Ministers, in trusting the business entirely to Noble Lords, who, from their situation, could not be supposed to be so well acquainted with the subject as themselves. [He alluded to the Marquis of Buckingham and Lord Hawkesbury.] Had not it been for the volunteer services of those Noble Peers, of whose abilities he professed he had a high opinion, the House might have remained in total darkness, without even a ray of ministerial light to illuminate their understandings. Ministers, his Lordship ironically observed, no doubt preserved their silence on the same grounds that they had stated the Manufacturers to have done, and that, like them, it was to be interpreted as a positive and direct approbation of the Treaty. He, however, thought it was a duty incumbent on those, who were responsible for the measures of Government, to support those measures themselves.

The Marquis of *Carmarthen* assured the House, that his silence on the subject of the Treaty had not proceeded from any want of due respect to their Lordships, nor from any difficulty that he found in being able to support a measure which he was firmly convinced would be of infinite advantage to this country. Had it originated in that House, he should have thought it his duty to have given his sentiments fully on the subject; but as it had already been so often discussed, he deemed it unnecessary to go at length into the consideration of it.





it. The Noble Marquis then went into a general defence of the Treaty, which, in every view that he had considered it, he asserted to be highly advantageous to England, in the extension of her commerce; that it would tend to promote an amicable intercourse between the countries; and while it gave us those advantages in point of commerce, he said, we lost nothing in a political sense.

Earl of  
Sandwich.

The Earl of *Sandwich* expected to have heard from Ministers the most ample information on a question of so much magnitude as the present, but he had been disappointed. When he had the honour of a share in Administration, those Noble persons, who now preserved such profound silence, were the first to call on his Majesty's Ministers for that information, which, from their situation, they were bound to give. The Noble Marquis, who had just spoken, seemed to place much confidence in the operation of the Treaty, and particularly in its pacific effect. For his own part, so far was he from imagining that it would tend to prolong peace, he was convinced it would have a contrary tendency. Every commercial negotiation between rival nations, so far as experience led him to judge, had been productive of dissention. Had not our Commercial Treaties with Spain occasioned all our disputes with that nation? And if we look to private life, do we not see that a jarring of interests interferes with the best dispositions, and is always the means of sowing the seeds of discord? Powerful nations, so nearly situated, must invariably be rivals, and they have been so, from the age of Rome and Carthage down to the time when Great-Britain and France flourished as rival countries. He had known France in negotiation; he knew her to be a wise and an agreeable nation, but he knew likewise that she was artful and insidious. She had but one great object in view, which she steadily pursued—her own aggrandizement upon the ruin of Britain. Unfortunately for this country, her councils were directed by no uniform pursuit; she must therefore be the dupe of the superior policy of





France. What were we to think of her stupendous fortifications at Cherbourg? They were not defensive, they were offensive works, and he could not but admire the address of that nation, who, with all the shew of hostile preparation, had prevailed upon a rival to enter into a cordial Treaty of Alliance with her. He confessed, he viewed those fortifications with a jealous eye, and he thought it was incumbent on us to look to our own coasts. He was a friend to the navy, and he was also a friend to fortification, so far as it aided the navy. What must be the consequences of the fortifications at Cherbourg? Will they not necessarily oblige us to keep a larger fleet in the Channel, than ever we had found necessary before? Such being the case, it was surely essential to our security that we should follow the example of France, so far as to protect our coasts, and by that means to leave our fleet more at liberty to act elsewhere. With respect to the commercial part of the Treaty, he saw none of those advantages which the advocates of it held out; for those reasons he found himself compelled to give his negative to the Motion.

Lord *Portchester* renewed his objections to the Treaty; nor even had the Noble Marquis (Lansdown) who had spoken so ably on *both sides* of the question, made any impression on his mind. Lord Port-  
chester.

The Duke of *Richmond* rose next, and began his speech with saying, that the fortifications at Cherbourg were not the only works which it was in the contemplation of France to erect; and this was not owing to any want of vigilance in Administration: it was in consequence of the last Definitive Treaty of Peace, which unequivocally yielded up the important article of the demolition of the fortifications at Dunkirk. The fortification of Dunkirk then was the next object which would certainly attract the attention of France. This would give her still more the command of the Channel, and it must of necessity oblige us to counteract her operations, by looking to the protection of our own coasts. He adverted to what the Duke of  
Richmond.  
Noble





Noble Marquis (Lansdowne) had said on this subject on a former debate. It was absurd to contend, that we could remonstrate and say to France, you must not carry on those fortifications. With the same propriety she might come and say to us, you are not to fortify your dock-yards at Portsmouth and Plymouth. With respect to the different questions asked by the Noble Marquis, Why had we not dissented from the Neutral Code? Why had we not settled the state of India? &c. &c. he would tell their Lordships, shortly, that the reason they had not done so was, because France would not have listened to their propositions.

His Grace then proceeded to take a cursory view of the Commercial Treaty, which he defended both in its principle and in the detail. He presumed on the silence of the Manufacturers, as a positive proof of their approbation, and had they come to the Bar, he was convinced they would have given such information of the advantages to be derived to their respective manufactures, that it would have alarmed France. The immense advantage which this country derived from the abundance of fuel in our coal mines, was the life and soul of our manufactures, and it would always give us a decided superiority, which France, deprived of those advantages, never can combat. He adverted to the situation of our trade with Portugal, which, he said, had been for some time on the decline, though he admitted that it was of considerable importance, and that it was the interest of both countries to be on an amicable footing. He contended, that our Treaty with France did not interfere at all with the Methuen Treaty, and that it was highly expedient that the revenue should reap some advantage from a trade which had hitherto been almost totally in the hands of the Smuggler. Such, for instance, was cambric, and several other articles, which, though prohibited, were in general use.

Earl Fitz-  
william.

Earl Fitzwilliam, after disapproving of the Commercial Treaty with France, stated, that the apprehension of a rupture with





with Portugal had given a very serious alarm to the Manufacturers of Yorkshire.

The Earl of *Carlisle* bore testimony to what had fallen from his Right Hon. Friend, and condemned those who endeavoured so unfairly to depreciate the importance of our trade with Portugal. Earl of Carlisle.

The Marquis of *Lansdowne* said, he was happy to find, from the tenor of their Lordships speeches that night, that he was perfectly understood in what he had troubled the House with on a former night, particularly on the important point of what he considered between independent states as the only *natural enemy*, namely, that power which, in time of peace, should keep up an army of 300,000 men. In this, however, he had been misrepresented elsewhere, in a newspaper, and in one which had the general character of accuracy; in that paper he was said to have mentioned the name of the King of Prussia, as the *natural enemy* of other states. Nothing could be more distant from his idea, nor from his language. The King of Prussia, whom he had the honour to know as one of the most exalted lovers of humanity, was (and would be more) distinguished for his cherishing no views but such as were consistent with the peace and happiness, not the vain-glory of his people. He thought it necessary to say this, to prevent a false impression from being made on the public mind, and on Europe, by the misstatement. He could have wished, he said, that Noble Lords in office had been a little more explicit in answering the various topics that had been thrown out by Noble Lords, and by himself. He had already occupied so much of the time of the House, that he should only now reply to such observations as had been made on what he had thrown out. A Noble Lord behind him had been pleased to say, that on a former evening *he had spoken on both sides of the question*. He was very much astonished to hear the Noble Lord give to his sentiments this character. He had, as accurately and as precisely as words could speak, declared his full and compleat approbation of the Marquis of Lansdowne,  
*principle*





*principle* of the Treaty ; but in discussing the *detail* of the *execution*, he had as clearly expressed his wishes that the detail had been more cautiously guarded, and that some points had been secured which were left totally untouched, or vaguely provided for. Now, if there was a fair, an explicit, an independent mode of discussing a subject, it was that which he had pursued—approving of the ground-work, principle and tendency of the measure, thinking it a great and important good to the country, he had delivered his thanks to Ministry for the design ; but seeing articles in the detail which might be mended, and thinking it yet time to mend them, he had as frankly communicated his objections. Stating these objections, he trusted, with candour, certainly without any design of captious opposition to men, he had audibly and clearly stated, that, with all the errors which he had stated, (and he was free to confess he thought them great and important errors,) he saw so clearly the grandeur of the principle, and was so perfectly convinced that that principle would triumph over an hundred petty obstacles, he should give his hearty assent to the resolutions by which it was to be carried into effect. If the Noble Lord meant that he had spoken on both sides, because he had not forbore, out of friendship to Ministers, to state his objections to the detail, and because he had not, in complaisance to the Opposition, forbore from paying his tribute of praise to the principle, the fact was, that he was, and had through life, stood aloof from parties. He was of no party. It was his pride and principle to be of no faction, but to embrace every measure on its own ground, free from all connection. Such had been his political creed, as such he stood before the people, and as such he coveted to be judged by them. In respect to his conduct on this precise Treaty, it was strictly consonant to this practice. The principle of the Treaty he had acknowledged in the Preliminary Articles. He had left these Articles, as he had stated, very large and open, in order to give scope for the negociation of the Commercial Treaty,





Treaty, and that the nation might be as little committed as possible. In viewing the use that they had made of this advantage, he had observed several matters in the Treaty which struck him with astonishment. He repeated the six separate objections he had made the night before.

1. That we had procured no advantage on our part, either in navigation or otherways, to countervail the four great unreciprocal articles on the French part.

2. That we had conceded the Neutral Code.

3. That we had taken no step to prevent, or to stop, the alarming erections at Cherbourg.

4. That the wording of the Seventh Article was so obscure and unexplicit, as to threaten the extinction of our commerce with Spain.

5. That, by the Treaty, we left Ireland more connected in freedom of trade, and facility of intercourse with France, than with England. And above all,

6. That we did not seize the favourable opportunity to settle the alarming question of India.

On these several topics he had urged their Lordships, and he wished he had received more explicit and convincing explanations than those he had been honoured with. The Noble Duke in the blue ribbon had shortly said, that it was, in his mind, ridiculous to have stood in the bargain, making demands which they were sensible would not be complied with. He did not pretend to know what would, and what would not be complied with; but he knew what ought to have been the language of England. France had in her produce four extensive articles of produce, against which we had nothing to reciprocate; for it was ridiculous to listen to any argument in regard to our manufactures. They were transitory and fleeting. Nothing could be more precarious than an estimate founded on our present real or pretended superiority in this respect. Our boasted cottons were the growth of a day—we saw manufactures rise up almost instantaneously. Even in  
ship-





ship-building, a thing which might be supposed to occupy much of our time and study, it was only within these two years that we had discovered the important fact, that men of war might be built all round the coast.

To talk therefore of the excellence of our manufactures, and of their superiority, was ridiculous; but the advantage in the produce of France was positive and eternal—As long as the earth endured it remained to France. Ought not the Ministers then to have claimed something in exchange? Did they not know how impatient France was for the Treaty? He called on the Noble Marquis (Carmarthen) to say, if France had not complained that a Gentleman should be sent to France, and continued there without instructions? The fact was, that France was eager, justly eager for the conclusion of the Treaty; and he was sure the Noble Marquis had too much candour to think, that a Minister of the wisdom, experience, penetration, and forecast of M. de Vergennes, would have been so eager, unless there was some great point to be gained. There was a great point—an enormous point for France—it stretched beyond the powers of human estimate, and was a matter of so much speculation, that it could not too much arrest the notice, and awaken the powers of Englishmen. What had we done? We had stipulated for no one thing. We had given up the neutral code, which was the great weapon of England. He needed not say how anxiously and how positively he had refused it on making the peace. He had refused it to Holland—positively refused it to Holland. Ought not this to have been a lesson to them? Could they ask it after it had been so peremptorily denied to an old friend? The Noble Duke had said it was no longer to be thought of—it was not an object which we could maintain of right. He could not so easily forget all that Selden had said on our power over the narrow seas, to be convinced that there was not a right—and as to its importance, he called it one of the most vulnerable weapons of offence. It was said to be worthless,





less, because no nation would observe it when they were able to break it; and he confessed one of his strongest arguments in objection to it was its impracticability. But why enter into a Treaty on the subject? Why give a consent to a thing which it must always be our wish, when able, to break through? It was in the nature of man—enterprize and hostility would lead to it; and he trusted that no Minister would ever consent to yield to it without first taking the advice of Parliament.

On the subject of the erections at Cherbourg, the Noble Duke had insinuated that he had said they ought peremptorily to have remonstrated against them—he never was so absurd—he knew our condition too well to think that we could dictate to any nation, much less to a Court so formidable as Versailles, on a topic of internal concern. He said only, that in the negotiation of the Commercial Treaty the matter ought to have been represented as a thing which engendered suspicion, and which was likely to exasperate the high-blooded people of England. But the Noble Duke had said, we had nothing to do with their erections at Cherbourg, no more than they had to do with ours at Portsmouth and Plymouth. We certainly had not, nor perhaps so much; for he did not think it at all probable that the French would object to our fortifying our coast, since on the event of an invasion, they would take possession of the fortresses as advantageous posts. But the Noble Duke said they had the power granted them by the Treaty of Peace; and he had informed the House that they were even going to fortify Dunkirk. Now he had, as he thought, so clearly explained what had occurred at the negotiation of the Preliminary Articles, with respect to this matter, that he did not think it would have been again brought up. The fact was, there was much conversation—much reasoning on the subject; but it was made so peremptory a condition, that he at length gave way. He did it, however, on the ground he had stated, namely, that the sort of fortification which was at Dunkirk might be erected with equal advantage





advantage all along the coast, or in many parts of it, and it was therefore of no material import. The French objected to it, as being felt as a grievance that a foreign power should dictate to them—nay, should keep a Commissary in one of their ports to controul them; and though he yielded the point, he did it on the most complete assurance that there was no design to restore the basin and harbour of Dunkirk. And further to satisfy his mind, and to secure him, as he had said, against the caprices and projects of any one Minister, Dunkirk was taken out of the department of the Minister of the Marine, and put into the department of M. de Vergennes.

The Noble Marquis, at considerable length, stated a long argument for his conduct at that time; and proceeded to the other objections—on the obscurity of the 7th Article, and the question of India. Why that most important point was not settled, he confessed astonished him. The Noble Duke had said, that he knew not how it could have been settled. He wished the Noble Duke had explained to him the circumstances of the Treaty he had mentioned on a former evening, and which was, as he had said, a compleat surrender of all the advantages of the India Company, as well as of the privileges, without having gained one thing in return. He stated this at great length, and then came to Ireland.—This matter gave him the highest concern, as well as astonishment. When he lately heard in the country that a body of the Irish Privy Counsellors had been collected in England, to consult with Ministry, he had no conception that the conference was on the subject of a French Treaty with Ireland, while England and Ireland still remained in the same distracted state as before. Nothing could be more extraordinary than this; for the time was favourable—Ireland was a nation of good humour—the Duke of Rutland and Mr. Orde were men who would make her good humoured if she was the contrary: the conduct of the English Manufacturers, in the present case of the French Treaty, must crush all their former objections to the system of the Irish Propositions.

The





The present then was the moment for Ministers to revive the idea of a beneficial connexion—Why was it not done? He did not mean the vague, ill-matured, and inadequate Irish Propositions, as they were called, but a plain, simple, good-intentioned scheme of reciprocal intercourse, taking off the shackles that lay on our trading laws, which was all the union that he desired; and by the bye, if he might not be called impertinent for alluding to another part of the kingdom in which he had no property, he would say that he saw no objection why Scotland might not gradually receive the law of England. He believed many of their most enlightened men were ripe for it. But to return to Ireland—it was monstrous to think that their Privy Counsellors should be assembled and nothing be done—at a time too when the Right Boys exhibited such a scene, and gave such temptation to France.—He would not pursue the idea—but France was flesh and blood—the case of America had shewn it—and the scene in Ireland was tempting. He concluded with a recommendation to Ministers to read Fenelon's admirable Treatise on the Effects of Ill-humour, in the concluding book of *Telemaque*—a treatise, he said, which should be written on every Minister's bed-post.

The Duke of *Richmond*. The Noble Marquis has taken pains to prove, that on a former day he was perfectly consistent in what he said, and that he did not speak on both sides the question. I will not enquire how far the Noble Marquis might speak for and against the Treaty at the time alluded to, but certainly on this night the Noble Marquis has been uniform. He has uniformly argued against it. The Noble Marquis's explanation of the fact respecting the article of Dunkirk in the Treaty is not satisfactory. That article the French take advantage of, and we have no right to question their conduct. The Noble Marquis insinuates something about the fortifications at Portsmouth and Plymouth. If we may take his opinion from the voice of certain persons in another place (Col. Barre, &c.) the Noble Marquis has *changed his opinion*

Duke of  
Richmond.





on the subject of the English fortifications, as much as he has done on those of the French, comparing his present argument with his Treaty of Peace: for I have no hesitation in declaring to your Lordships, that when the plan for fortifying Portsmouth and Plymouth was first submitted by me to the Noble Marquis, when he was at the head of the Administration of this country, he signified his direct approbation of that plan. The Noble Marquis talks about India, and about a Treaty, a most alarming dangerous Treaty, which happily for this nation the French rejected. I know of no such thing—but it does not seem that that which the French refused to accept was greatly injurious to this country, and favourable to France. The Noble Marquis is feelingly alarmed about Ireland—the Right Boys and the tumults give him great uneasiness—the assembling of a number of Irish Privy Counsellors in London gives him astonishment. I cannot help taking notice of a very visible change in the Noble Marquis's mind on this subject also, for now the Irish Propositions must be simplified—in the state in which they were introduced, and in which they passed this Parliament, though rejected in that of Ireland, it seems was crude and coupled with political matter, which justly alarmed Ireland. And yet, my Lords, I do not recollect that the Noble Marquis signified his disapprobation of the plan when it was before this House; on the contrary, I believe the Noble Marquis gave it his direct concurrence.

Marquis of  
Lansdowne.

The Marquis of *Lansdowne*. I beg that when the Noble Duke is disposed to animadvert on my words, or on my conduct, he will represent them correctly. The Noble Duke says, that from the conduct of certain persons in another place, my opinions on the subject of the fortifications may be gathered. It is surely a very incompetent way of ascertaining a Lord's sentiments, to argue that certain persons in another place talked so and so. I beg leave to say, that the Honourable persons to whom the Noble Duke alludes, are infinitely more capable of forming a mature, sensible, and scientific judgment





judgment on the plan of fortifications than I am of advising them—and on that head, at least, they require no instructions from me, if I may be supposed at any time to influence their minds. Of their conduct I do not speak, but I do not desire to disguise my own sentiments. If the Noble Duke has any proof of my having signified my direct approbation of the plan of fortifications, let him produce it—let him submit it to your Lordships—until he does this, I content myself with a solemn declaration, that *I never did give my approbation to the Noble Duke of that plan, either before or since I left his Majesty's employment.* When in office it was my duty, and it is consistent with my regular habits of acting, never to commit myself hastily.—On every topic I took the advice of those, in whose knowledge and ability on the point in question I had the fullest confidence; and having their opinions in writing, I weighed their force, and made up my own mind. On this plan I pursued this course.—I not only consulted my own confidential friends, but, which is also ever my plan, I took the opinion of certain persons of high character in this House, who though agreeing with me in politics, I considered as above others capable of giving an authoritative opinion on the subject (Lord Townshend.) This necessarily took time—and in the mean time I aver, I did not signify my approbation to the Noble Duke. At that time the House may suppose I was fully occupied with business that embarrassed me. I was settling the important measure of the Preliminaries of Peace, and in addition to the weight of those who opposed the measure in Parliament, I believe it is no great secret that there were difficulties among ourselves. I might have reason to fear, under all the circumstances of that time, that the Noble Duke might *change his mind*, and I must necessarily dread the *change of one in seven*. So critically situated, when the Noble Duke referred his plan, *there might perhaps be a degree of address on my part* in speaking to the Noble Duke. It was natural—it might be necessary—but I solemnly declare I never directly





approved of the plan, and I say again, if the Noble Duke has any proofs of my assent, let him publish them.

The Noble Duke says, there is no Treaty with the French about India that he knows of. I am astonished at this. I know the Noble Duke is sufficiently industrious, scrutinizing, and tenacious, in office. He is not likely to suffer the insult of the concealment of confidential measures. I do not mean to be officious, nor to stir up any quarrel between him and his colleagues; but if the Noble Duke does not know, I beg leave to tell him, that there was a Treaty made out here, by which the privileges of the India Company were completely to be sacrificed to the French without a single stipulation in return; and this Treaty was unaccountably rejected in Paris by means of intrigue arising from private interest. The Noble Duke says, I did not originally object to the Irish Propositions—I did not—I had my reasons—strong, forcible reasons. I saw at the time all the political objections which Ireland was likely, and which Ireland afterwards did take up, but I did not care to speak my mind in this House—why?—Because I know that such people as his Grace would be ready to carp at my words, and to say that I was anxious to inflame the Irish people, and to propagate insidious alarms.

Duke of  
Richmond.

The Duke of *Richmond*. I am not apt, my Lords, to make an assertion without sound authority. The Noble Marquis says, bring forward your proof, if you have any proof, of my having approved the plan of fortifications. My Lords, the Noble Marquis signified his approbation in the presence of the Chancellor of the Exchequer, and, to my mind and understanding, gave his direct assent. The Noble Marquis now says, that having at that time a great object to carry, the times being ticklish, and one vote in seven being serious, he might  *speak to me with a degree of address*. My Lords, I must pronounce my abhorrence of such conduct in his Majesty's Cabinet—and if a person, intrusted with the highest office in Administration, at the head of the Treasury, can conceal his sentiments





sentiments on a plan, in which the Treasury is interested, as requiring money, and which can only pass through the direct support of the First Lord of the Treasury, I say, my Lords, I never can act in confidential situations with *such people*. The Noble Marquis says, he might have his fears at that moment of *my changing my mind*. My Lords, our difference arose from my not *changing*—I thought that the Preliminary Articles were not what we had a right to expect, and what I am convinced we had the ability to procure. I thought so then, and I think so now.

The Marquis of *Lansdowne*. My Lords, I am in your memory. Did I assert what the Noble Duke has been pleased to attribute to me, or rather did my words bear the interpretation given to them? Did I insinuate, that for political purposes I might find it convenient to deceive the Noble Duke by a pretended approbation of his plan? My suggestion went to this, and it was only surmise, that perhaps from the critical state of the Cabinet at that moment, I might not instantly provoke a very irritable mind by a direct rejection of his scheme. But does the Noble Duke mean to assert that I directly *approved* of it? for there is a material difference betwixt with-holding for a time one's doubts, and pretending falsely one's approbation. The Noble Duke says, the Chancellor of the Exchequer was present—If the Right Hon. Gentleman thinks I signified my approbation, he very much misapprehended me. But I beg it may be thoroughly canvassed. I have the means of completely proving that I neither did, nor could give my direct approbation, when submitted to me in the presence of the Right Hon. Gentleman.

The Noble Duke has avowed his disapprobation of the Treaty of Peace. That disapprobation is public. I wish to God I durst declare the whole story of the Noble Duke's opposition to that Treaty. Your Lordships must remember the strong arguments he made use of in this House for the necessity of a Peace—after which the Noble Duke disapproved of the





Peace which was made. Before I sit down I must be permitted to say, that I agree with the Noble Duke, in thinking it impossible that confidential men can act with one another, if there is disguise between them—disguise amounting to insincerity. I call God to witness, that I have ever studied to bear myself to my colleagues with the utmost and the most handsome fairness. I have not, since I quitted his Majesty's service, shewn any great eagerness for place; nor have I set up any captious opposition to the Ministers of the day; much less have I endeavoured to draw about me a party—to erect a standard—or to conciliate and influence Lords and Gentlemen to assist me in any object of ambition. The Noble Duke will not, I think, charge me with this, and therefore he should give me credit for candour, at least, in delivering my sentiments on any subject.

Duke of  
Richmond.

The Duke of *Richmond*. The Noble Marquis says there is a material difference between with-holding doubts and pretending approbation. Put it on the Noble Marquis's own ground—I say that the *suppression of doubts*, on a great plan of expence, and in an important national object, is unpardonable in one Minister towards another. Because a Minister has an object to carry, is he to carry his subtlety into the Cabinet? It is a mode of negotiation pardonable with enemies; but when such craft occupies the place of plain-dealing, of compleat candour, and of good faith, which ought ever to possess the Councils of the nation, there must be discomfiture and ruin. The Noble Marquis asks me if he has manifested any great eagerness to get into place, or to draw men to his side. I know not what the Noble Marquis has done lately, or what he is doing now; but I think I remember the time when he seemed disposed to collect a body of friends, and when he even thought it worth his while to invite so insignificant a person as myself to join him. The Noble Marquis says, if the Chancellor of the Exchequer thinks that he signified his approbation, he misunderstood him. I simply aver, that I so understood the Noble Marquis. The plan was submitted to him in the presence of the Chancellor of





the Exchequer at my own house, where they did me the honour to come for the purpose.

The Marquis of *Lansdowne*. The Noble Duke seems deter-  
 mined not to understand me. I agree with him that the *sup-*  
*pression of doubts* would be unpardonable, if that suppression went so  
 far as to delude a colleague to hazard his plan before Parliament,  
 where he was to be abandoned and exposed. I challenge the  
 Noble Duke to prove that any such suppression took place. Was  
 he deluded to bring it before Parliament? My Lords, as the  
 Noble Duke has gone so far, I will tell your Lordships, that  
 before I quitted office, I received a letter from the Noble Duke,  
 pressing me to give him my decisive opinion on his plan. Did  
 this indicate my having approved the scheme even in degree? I  
 defy the Noble Duke to produce a scrap of a pen on the subject  
 from me. That letter the Noble Duke is very welcome to see;  
 I shall deliver it to him to assist his recollection as soon as he  
 pleases.

Marquis of  
Lansdowne.

The Duke of *Richmond*. Any letter of mine of which the  
 Noble Marquis is possessed, will be fair testimony; and as such  
 the Noble Marquis will properly produce it. In the mean time  
 I adhere to my strong assertion, that he signified his approbation  
 of the plan in the presence of the Chancellor of the Exchequer.  
 I desire to know if the Noble Marquis will agree to refer the  
 disputed fact to the memory of the Right Hon. Gentleman.

Duke of  
Richmond.

The Marquis of *Lansdowne*. I will submit it with confi-  
 dence to the Right Hon. Gentleman; but still I shall produce  
 the letter of his Grace.

Marquis of  
Lansdowne.

[Mr. Pitt being behind the Throne, some Lords said, "Ask  
 the Right Hon. Gentleman"—but this was suddenly rejected  
 by a general "No—no."]

Lord *Walsingham* then said a few words on the subject of the  
 Treaty offered to France for their India Company, and he  
 mentioned the public reasons given for its rejection in Paris.

Lord Wal-  
singham.

The Marquis said it was *private* interest only that reject-  
 ed it.





Lord Stormont.

Lord *Stormont* now drew the House back to the Question, and they divided on the first resolution.

<i>Contents,</i>	79	<i>Non Contents,</i>	28
<i>Proxies,</i>	15	<i>Proxies,<sup>o</sup></i>	7.
	—		—
	94		35

The House then went through the other resolutions.

*Tuesday, March 6.*

#### ADDRESS ON THE COMMERCIAL TREATY.

Lord Stormont.

Lord *Stormont* said, had he been a friend to the Treaty, he should have thought it his duty to have opposed the Address, as unprecedented, unparliamentary, and unconstitutional. His Lordship renewed his argument against the Treaty in as much as it contained matter that could not but materially clog and embarrass Government in the negotiation of their Treaties of Commerce with other states. He imputed the measure of voting an Address to the great haste of France to have the Treaty so sanctioned, and particularly desired to be understood as contending and maintaining, that no Address to the Crown, could so far pledge the Parliament as to preclude the freedom of future debate, when any Bill or Bills should be brought in to carry the Treaty into effect.

Marquis of Buckingham.

The Marquis of *Buckingham* replied, and defended the Address, by asserting that there were many precedents for such a proceeding, were it worth while to take up their Lordships time with referring to them severally. The Marquis instanced a Subsidy Treaty in 1725, and one or two more. With regard to pledging the House, most undoubtedly no Address could so far pledge the House as to preclude their Lordships from freely discussing such Bills as should hereafter come before them. The  
Address





Address did not bind them to the particular mode of carrying the Treaty into effect, but merely conveyed an assuance to the Crown, that they would take the proper steps to carry it into effect.

Lord *Portchester* stated, that the case of a Commercial Treaty and a Treaty of Subsidy, were cases essentially distinct and different. In the case of a Subsidy the House agrees to make good the engagement of the Crown, by furnishing the sum necessary, but in order to give a Commercial Treaty effect, they must alter the existing laws of the land. His Lordship therefore condemned the Address, as a far more objectionable measure than the Treaty, and joined Lord Stormont in deeming it a mode of proceeding unprecedented, unparliamentary, and unconstitutional.

The Earl of *Warwick* spoke in support of the Motion.

The Duke of *Manchester* imagining that the Noble Earl who spoke last had some personal meaning when speaking of a particular part of the Treaty, he had said, "the fair blossoms of truth are blasted by malevolence," rose to comment on the expression, but was stopped by

The Earl of *Warwick*, who explained himself to the Noble Duke's satisfaction.

Lord *Grey* (of Wilton) imagining the terms of unprecedented, unparliamentary, and unconstitutional, as applied to the Address, were designed to extend also to the mover of it, rose to defend himself from such an imputation, and declared, that as the former representative in the other House, and as an inhabitant of a large manufacturing county, he had moved the Address, conscious that in Lancashire six out of every seven Manufacturers considered the Treaty as the most essential benefit to trade that could be desired, since it had already caused a brisk circulation of it.

Lord *Portchester* said, he imagined the Noble Lord alluded to words spoken by him, and the Noble Viscount near him.

He





He certainly did not mean to apply the terms to the Noble Mover of the Address; but, speaking of the Address, he had a right to hold that language.

Earl of Fau-  
conberg.  
Earl of  
Moreton.

Lord *Fauconberg* and the Earl of *Moreton* spoke in favour of the Address.

Lord Lough-  
borough.

Lord *Loughborough* reprobated the Address, as holding out to the Crown the language of gross falsehood. It stated, that they had taken the Commercial Treaty into their *most serious consideration*; whereas, parliamentarily speaking, they could not be said to have taken any thing into their *most serious consideration*, that they had not proceeded upon by Bill. His Lordship pointed out inconveniences that would result from different Articles of the Treaty, and in particular that of foreigners coming and setting up shops in different parts of England, which was directly in the teeth of an existing law. He condemned the Address as futile, useless, and nugatory, as well as unparliamentary and unconstitutional; unprecedented, he said, he feared it was not. In that assertion, his Noble Friend near him had been mistaken. If their Lordships chose to go back to the reigns of Charles I. and II. plenty of precedents might be found; but were those, he asked, just the periods of our history whence Noble Lords would be fond of selecting precedents? His Lordship reasoned a good deal on the danger of opening a communication between Parliament and the Crown, and said, it might lead so far as to encourage the Crown to send messages to Parliament, to quicken its deliberations about particular measures, and to other mischiefs.

Lord Thur-  
low.

The *Lord Chancellor* left the Woolstack, and entered very fully into the subject, taking a review of the various grounds of objection that had been urged against the Treaty, as well as against the Address. His Lordship said, had the Debate been less indefinite, it would have been more intelligible. He had expected to have heard the term *pledging* better and more fully explained





explained than it had been, and to have been told how far the Address *pledged* their Lordships, either in an unparliamentary or an unconstitutional manner. Unprecedented they had just heard the Address was not; because, if they referred to certain unpopular reigns, it so happened that a sufficient number of precedents might be found. The fact was, precedents were to be met with in better times, as the Noble Marquis, who spoke second in the Debate, had shewn, when he instanced the Treaties of 1720 and 1725. His Lordship replied to that part of Lord Loughborough's argument, in which the Noble and Learned Lord had talked of the danger of opening a communication between the Crown and Parliament, and dwelt on the various instances in which the Crown, by message, might so interfere. With regard to the House being pledged by the Address, his Lordship reminded them, that, in the progress of every Bill or Bills, they would have repeated opportunity to discuss the subject of each Bill, to vote for the Bill or Bills if they approved them, and against them if they disapproved them. • Having amply discussed the Question of the Address, his Lordship proceeded to notice the various objections that had been taken to the Treaty. He mentioned the alarm about the Family Compact, stating that most part of the Treaty so called, was a Treaty which no nation upon earth had a right to say France and Spain might not make. The 25th Article indeed, which declared all Treaties of the two Crowns with other States null and void, was an enormous Article, and justly gave offence to those States, who very naturally declared their Treaties should not be abrogated without their consent. But what part of the Family Compact did the 7th Article of the Commercial Treaty with France recognize? The 24th Article, that which entitled Spaniards to be considered in all respects the same as Frenchmen when in France, and Frenchmen as Spaniards when in Spain; an exchange of privileges which surely Great-Britain would not be justified in mur-





muring at. He observed, that a Noble Marquis had advised a remonstrance to be made to France on account of the fortifications now carrying on at Cherburgh. He asked, where was the Minister who would venture to make such a remonstrance? [The Marquis of Lansdown said, *he* would.]—The Lord Chancellor then asked, by what part of the Law of Nations had we a right to remonstrate? The Marquis of Lansdown said, *We had no right.*]—The Lord Chancellor proceeded to state the improbability of our obtaining any sort of satisfaction whatever, were a remonstrance to be sent, where confessedly we had no ground of right to stand on, and where of course our application would be laughed at as absurd and ridiculous. He next mentioned the East-Indies, and said that quarter of the globe had been mentioned, as if we expected France to give us something there, and asked, if it was Chandénagore or Pondicherry that we wanted? Let it be which it would, a Commercial Treaty was not the medium of negotiation by which any addition of territory was to be obtained.—Ireland he also mentioned, and said, to have treated with Ireland previous to treating with France, the present circumstances and situation of Great-Britain and Ireland considered, would, in his mind, have been a most unwise proceeding.—He spoke much at large on the subject of what had been termed the Neutral Code, and touched upon the Treaty of Utrecht, and upon other topics referred to in the Commercial Treaty.

Lord Stormont.

Lord *Stormont* shortly replied. His Lordship stated that the Treaty of Utrecht was a Treaty that France had always wanted to get rid of; and that the Duke de Choiseul, when the Duke of Bedford negotiated the Peace of Paris, in 1763, had maintained, that, as the Treaty of Utrecht had not been mentioned in the Treaty of *Aix la Chapelle*, it was no longer an existing Treaty. His Lordship reprobated what the Lord Chancellor had said of the Neutral Code, declaring, that the Neutral Code





Code and the Law of Nations were convertible terms. His Lordship begged the House to hold it in their recollection, that they had heard, from one of the highest authorities, that the Address did not in any sort pledge the House, or preclude the freedom of debating and voting on the Bills hereafter to be brought in.

The Marquis of *Lansdowne* said, he would in a few calm words, after the many warm ones that had been delivered in the course of the Debates for the past three days, reply to what had fallen from the Noble and Learned Lord upon the Woolfack :—And first, with regard to the Address, he had no occasion to go at all into that ; he was perfectly satisfied to send it to the foot of the Throne, there to remain a dead letter, till that House, by acts of their own, pleased to give it life and animation. The Noble and Learned Lord, he observed, had said, Where is the Minister that would venture to send a Remonstrance (his own word, however, was a *Representation*, for Remonstrance was an harsh word) to the Court of France, on the subject of Cherburgh ? when he had taken the liberty of interrupting the Noble and Learned Lord, and said, *that he would*. The Noble and Learned Lord had next asked, What right did the Law of Nations give them to put a question to France on the subject ? when he had again interrupted the Noble and Learned Lord, and answered, *We have no right*. Upon which the Noble and Learned Lord had very triumphantly ridiculed the idea of proceeding where there was acknowledged to be no ground of right. They, his Lordship said, had no large wigs and big gowns to lend them an air of weight and of authority, but there were some among them, who had been Ministers, that had some experience, and as nice a sense of honour as other men. He well knew, that plain good sense, and the reason of the thing, properly put to a foreign Court, would do much more than mere right. Upon that ground he had acted when in office in 1782, when Monsieur

Marquis of  
Lansdowne.

sieur





sieur du Chatelet had questioned him about the fortifications of Turks Island. As long as Monsieur du Chatelet stood on the ground of right, and peremptorily demanded an answer, he would not make him a word of reply. At last the French Minister saw his error; he saw it would not do; he changed his tone; he put the question upon the plain sense and reason of the thing, saying, "France and Great-Britain have distant territories enough to fortify; France has claims on Turks Island; why, by fortifying, create a jealousy between the two Crowns?" He that instant satisfied Monsieur du Chatelet completely: he gave him the fullest assurances that not a single stone was placed, or meant to be placed, on Turks Island. The matter ended immediately. In like manner had he acted respecting Corsica; and had the same line of conduct been pursued after he was out of office, he was persuaded Corsica not now have been in the hands of France. His Lordship said, he would not answer the argument about the Treaty of Utrecht, as the Noble Viscount had answered it so fully; the fact undoubtedly was, that France had always wanted to get rid of that Treaty. He declared, he was perfectly astonished to have heard the Noble and Learned Lord speak as he had done of the Neutral Code, and talk of a Treaty of Navigation as separable from a Commercial Treaty. To such an argument he knew not what answer to make.—With regard to the East-Indies, the Noble and Learned Lord had completely mistaken him: he wanted no exchange of Chandénagore. He had spoke on a former occasion of a Treaty between the two Companies, that of Great-Britain and that of France, which, had it not failed, would have given a fatal blow to our navigation, our commerce, and our policy in India. He was glad it had failed. Having said thus much, he declared, he wished to give the Treaty his hearty approval: he meant to do so in the fullest manner, and by no means to shrink from the share of responsibility belonging to him. There were some things  
that





that might, perhaps, have been done better, by more cautious Ministers; but by far the greatest part, not so well. Possibly more cautious Ministers would have treated first with Portugal. He declared, in his conscience he believed it was better as it was; for such had been the difficulties that he had found in endeavouring to obtain redress for the Merchants many grievances, that, perhaps, without such an advantage as a Commercial Treaty with France in our hands, we should not have been able to obtain any redress. More cautious Ministers also would probably have treated with Ireland, before they went to treat with France. He was convinced it was more likely to turn out well, not to have done so. Ireland might easily be settled with, and various opportunities might be found to manage and adjust all the lesser omissions that he had before spoken to; therefore, such as the Treaty was, he gave it his full concurrence, and Ministers were welcome to any little assistance he might be able to give them in its support. With regard to what had passed the preceding night between him and the Noble Duke, if the Noble Duke was contented, let him upon maturer recollection have found himself ever so much in the right, he was willing to let it rest where they left it the preceding evening.

The *Lord Chancellor* replied, and said, he really meant to have said nothing that should have appeared offensive to the Noble Marquis. His Lordship explained several parts of his former speech, and admitted that he had mistaken the Marquis's argument relative to the East-Indies. Lord Thurlow.

The Duke of *Richmond* said, at that late hour of the night he would take up as little of their Lordships' time as possible. His Grace then justified the Address on different grounds, and quoted the precedent of the Address of the year 1782, on the subject of the Repeal of the Act of the 6th of George the First. After laying some stress on the precedent, and reasoning on its similarity to the Address then moved, he came, at length, to take Duke of Richmond.





take notice of that part of the Marquis of Lansdown's speech, in which the Marquis had talked of what had passed the preceding evening on subjects foreign to the Debate, and had declared, that if the Noble Duke had no objection, however he (the Marquis) might, upon mature recollection, have reason to think himself in the right, he was contented to let the matter rest as it stood at present. To that proposition the Duke declared he would by no means consent; and their Lordships, he trusted, would consider the peculiar situation in which he stood, and have the goodness, on that account, to suffer him to detain them some short time longer, while he called upon the Noble Marquis to produce that letter of his, which he had the day before said he had in his possession, and what he had declared would prove that he, (the Noble Marquis,) as First Lord of the Treasury, had never signified his approbation of the system of fortifications that had been submitted to the House of Commons, as a measure of Government.

Marquis of  
Lansdowne.

The Marquis of *Lansdowne* desired to know the date of the conversation that the Noble Duke had the preceding evening stated to have happened between his Grace, the Chancellor of the Exchequer, and himself.

Duke of  
Richmond.

The Duke of *Richmond* begged the Noble Marquis first to comply with his requisition, and produce the letter. He said he had, since the preceding evening, recollected the letter to which the Noble Marquis alluded, and he was pretty certain there was nothing in that letter that would support the Noble Marquis in his expressions of the day before,—expressions that went the length of charging him with having caused the plan of a system of fortifications, to be submitted to Parliament, that would have cost a very large sum of money, as a measure of Government, without having previously obtained the concurrence of the First Lord of the Treasury.

Duke of  
Chandos.

The Duke of *Chandos* said, if that sort of debate was to succeed, he should move to clear the House. A general cry of *No! No!*

The





The Marquis of *Lansdown* said, he would willingly oblige the Noble Duke, and read a part of that letter, which he held in his hand, and then mention other circumstances that he trusted would sufficiently justify him in the expressions he had used. The Marquis stated, that the letter was dated January 30, 1783; that it turned upon various matters, but that it would be sufficient to his purpose to read the last paragraph. He accordingly read it, and the purport of it was, that the Duke begged the Marquis to turn the various subjects (stated in the letter) in his thoughts, and give him an answer thereupon as soon as he conveniently could, since when, he (the Duke) knew the Marquis's opinion, he should form his Ordnance Estimate accordingly. The Marquis said, in addition to what he had read, he would inform their Lordships that a meeting took place at the Noble Duke's house, between his Grace, the Chancellor of the Exchequer, and himself, at which a fourth person, the Duke's Secretary, was present. The date of that meeting, the Marquis said, was what he wanted to have learnt, but as near as he could guess, it must have been long before he received the Noble Duke's letter, to which he had just referred. The business of that meeting was, he said, to settle about the affairs of the Ordnance, to advise by what mode its debt should be paid off, and to fix upon some means of preventing the extravagant practice that had obtained in the management of that branch of the public expenditure, from existing any longer. The meeting, he said, was not of very long continuance, and he remembered there lay some plans of fortifications on the table, which he looked at with some degree of attention, and saw some designs for forts on the Portsmouth side of the harbour, and some in Stokes Bay, but, to the best of his recollection, nothing passed or fell from him, that could be construed to be an express approbation, on his part, of the Noble Duke's system; nay, the letter in his hand was a direct proof to the contrary, because it prayed him to turn the various subjects it





contained in his thoughts, and to give an opinion upon them as soon as he conveniently could, a request that would certainly have been unnecessary, had he given an opinion before. But there were other circumstances that sufficiently shewed the meeting in question was not a meeting for the purpose of determining upon the new system of fortifications; if it had, their Lordships would doubtless have thought it oddly composed. For his part, he had never professed to be a judge of fortifications, nor pretended to be an engineer; it was not very likely, therefore, that he should have relied on his own judgment in an affair of so much importance; had the meeting been convened for the purpose of consulting upon such a subject, he should have naturally expected that the Commander in Chief, and the First Lord of the Admiralty would have been present; the first to give his opinion of the system, and the latter to consider how far it coincided with the naval defence of the kingdom. Another circumstance also, and that a material one, was sufficient to satisfy him that there never had passed any thing like a serious consultation upon the subject, was this:—there was not to be found a trace of Cabinet minutes respecting it. He explained to the House, that whenever any public business was transacted in Council, there always were Cabinet minutes taken, and that there were several in existence, where questions respecting the Ordnance, and of a nature subordinate to the consideration in question, had been under consideration. He reasoned upon these facts for a considerable time, and said, he was pretty certain that the meeting he had mentioned must have happened previous to the receipt of the letter he had read an extract from, as the Preliminary Articles of Peace were laid before the Houses of Parliament on the 27th of January, and debated in both Houses on the 17th of February. After much argument to strengthen and confirm the idea, that he had never given his approbation of the Noble Duke's system, a system which, according to the Noble Duke's first estimate, would

have





have cost the public four hundred thousand pounds, but which, when it had been examined more accurately, it was found would amount to between seven and eight hundred thousand pounds, his Lordship at length sat down, declaring he should rest satisfied with the testimony of the letter he had produced, and submit that, and the observations he had stated, to their Lordships and to the public, perfectly content with their decision of the business, be that decision what it might.

The Duke of *Richmond* rose as soon as the Marquis sat down, and said, he wished exceedingly that the matter should be clearly understood, and therefore he should beg their Lordships attention to his statement of facts. His Grace observed it had been said, that fortifications were his hobby-horse. They certainly were so, and he should never be ashamed to own, that his duty always would be his hobby-horse. As Master-General of the Ordnance, it became his duty to attend particularly to the defence of our dock-yards and our coasts. Feeling this, he had taken considerable pains to ascertain where fortifications were necessary, and he had consulted engineers upon the subject. Having at length formed a plan for additional works, he had submitted it to the opinion of those who were competent to decide, and received their approbation of what he had proposed. He had afterwards, on various occasions, submitted his ideas in different conversations to the Noble Marquis, and regularly understood him to coincide in opinion. With regard to the meeting in question, he could not exactly recollect when it was held, but he was pretty much of the same opinion with the Noble Marquis, viz. that it had been held sometime before the sending of the letter which the Noble Marquis had produced; but he could not agree that it was, properly speaking, a private meeting; on the contrary, it was a meeting upon the business of the Ordnance expressly. As it was not then known whether we should have peace or not, the Ordnance Estimate was to be made out for the War Establishment, and as the Fortification System necessarily

Duke of  
Richmond.



necessarily made a part of that estimate, the meeting had been held between the First Lord of the Treasury, the Chancellor of the Exchequer, and the Master-General of the Ordnance. The reason why it had been held at his house, his Grace said, was, because as there were various plans of fortifications to refer to, the Noble Marquis had been so polite as to let the meeting be at his house instead of the Treasury; when, however, it was held, the Noble Marquis entered deeply into the consideration of his plan, and was pleased to honour him with much praise at the time, and as he then understood him, gave his complete concurrence to the system. In order to remind the Noble Marquis that the meeting was of considerable duration, he begged leave to state to him, that they went into a great deal of detail upon the subject of the Ordnance Estimates. And as a corroboration that the Noble Marquis did then concur, or at least appear so to do, the Duke produced a letter from Mr. Pitt, to whom he had written that morning upon the subject. His Grace read the letter, in which Mr. Pitt stated that he well remembered the meeting at his (the Duke's) house, early in 1783, when the Marquis of Lansdowne and himself were present, and that they examined the Ordnance accounts, and the system of fortification proposed by the Duke, and when the Marquis of Lansdowne and he came away, he conceived the Marquis, as well as himself, to have left the Duke's with an impression that his system of fortification had their full concurrence. His Grace reasoned upon this strong testimony in his favour, and said, he had the honour of having had many conversations with the Noble Marquis on the subject, in every one of which he gave him to understand, that he approved of the proposed plan. In order to bring it to the Marquis's recollection, that he had been used to talk of fortifications, he said he had repeatedly cautioned him about fortifying Plymouth, and said, "Let me have Plymouth secure at any rate." The Noble Marquis had challenged him to produce a scrap of paper of his, upon which he had signified his consent to the fortification system. He stated





to their Lordships; that when men in office had a confidence in each other, a great deal of the public business was done by conversation merely. If, therefore, the want of written evidence was to be considered as a proof of there having never been a concurrence notified by the Noble Marquis, there was an end of all confidence between man and man, and the business of an administration could not proceed. The letter produced by the Noble Marquis, was a letter bearing upon a variety of other subjects, as well as the system of fortifications; and that letter in a great measure confirmed his argument, since if the Noble Marquis referred to it, he would find, that in that part of it that related to the plans of fortification, it was said, “those plans which you saw,” a clear proof that the Marquis had seen them. After arguing upon these points for a considerable time, the Duke said he would abandon the case he had made out, give up Mr. Pitt’s testimony, and take it on another ground; supposing then, that the fact was as the Noble Marquis had stated it to be, and that he had dared to go to Parliament with the plan as a measure of Government, how came it that the Noble Marquis in that case did not go to his Majesty, and advise him to dismiss him (the Duke) from his service, for having dared to carry a plan that would cost four hundred thousand pounds, to the House of Commons, and endeavoured to get it passed, without having previously obtained the consent of the First Lord of the Treasury? His Grace laid great emphasis on this, and said, if the Noble Marquis had acted in a manner so extraordinary, he had been guilty of an heinous offence, and deserved to be punished, but the fact was not so. It was as he had first stated it. He produced two letters from the Marquis, the one in answer to his of the 30th of January, and the other upon too trivial an occasion to be read to their Lordships. He would, however, just mention that it began with *my dear Lord*, and ended with the words *believe me to be your very sincere and affectionate friend, &c.* That circumstance, trifling as it was, his Grace contended, was sufficient to prove that at that time





the Noble Marquis and he lived in habits of intimacy and friendship, and consequently that, added to the circumstance of the meeting being held at his house, corroborated his assertion that they had frequent conversations together on the subject. The Duke, therefore, upon the whole of what he had stated, appealed to their Lordships whether he had not cleared himself from the charge that had been brought against him by the Noble Marquis. Before he sat down he reminded that Noble Lord, that he had not started the subject, but a Noble Earl (Lord Sandwich) had done so in the course of his speech, the preceding day. Thanking their Lordships for their patience and attention, his Grace sat down.

Earl of  
Stanhope.

Earl *Stanhope* rose, not, he said, to stop the two Noble Lords, because he was convinced that nothing could be more idle or more stupid than to attempt to prevent two persons who chose to speak from going on. He rose merely because he thought both of the Noble Lords (for each of whom he entertained a very great respect) were under the impression of mutual misconception. He was pretty sure the Noble Duke did not mean what the Noble Marquis had conceived him to mean, nor that the Noble Marquis——

Lord Cam-  
den.

Lord *Camden* spoke to order. His Lordship said, he could not consent when two Noble Lords had got into a sort of personal justification of themselves in consequence of words dropped in the heat of debate, for another Noble Lord to rise to argue and debate what the meaning was of their speeches. He thought such conduct too disorderly to be suffered.

Marquis of  
Lansdowne.

The Marquis of *Lansdowne* agreed most perfectly in the observation of the Noble and Learned Lord, and returned his thanks to him and to the Noble Duke with a white wand, for their kind interference, but the matter lay in a narrow compass, and was not likely to end seriously. He was perfectly satisfied with the letter he held in his hand, against which the Noble Duke had adduced Mr. Pitt's testimony; the testimony of a very respectable witness, but a witness who could speak only for himself.





himself. There was therefore letter for letter, but added to his letter, he had the benefit of his own assertion, and he did assert in the most unqualified manner, that he had never expressed his concurrence with the Noble Duke's system of fortification. If it was said, that there was blame due to the Minister who nevertheless suffered it to come before Parliament, he was free to say, he thought there was great blame, but that was another question, and if the Noble Duke chose to make a Motion upon it, well and good; let the Noble Duke do it. If he was asked, why he suffered the plan to be proposed when he did not approve it, he protested he could not tell. Possibly it was for want of time, as it was the fortnight before the peace. A pretty busy fortnight! But as to the fact, he was willing to let it rest with their Lordships to decide, and he did not care a single farthing which way the decision went. Having said this pointedly, the Marquis said, he was glad the Noble Duke had produced his letter, beginning with the address of *My dear Lord*, because it shewed how pure he was, and how clear of any thing like resentment against the Noble Duke, for having thought proper to take the extraordinary step of quitting the Cabinet just before the peace came under consideration.—He was above so mean a passion; early in life, when a boy, he was occasionally actuated by it, but he had got rid of it by living among good and great men; he had rooted it out, and he defied any man living to say, he had shewn resentment on any occasion in the whole course of his life. He imputed the Duke of Richmond's conduct to his resentment at what passed in the House of Commons when the Ordnance Estimates had been under consideration. He assured the Noble Duke that the prejudices he entertained against him on that head, were altogether without foundation. Those who had given their opinions in the other House adversely to the fortification system, were men competent to judge for themselves, and well entitled so to do. They were not a faction headed by him, nor had he any share in directing their conduct in that House. If the Noble Duke

H 4

knew





knew how delicately he held himself towards those Gentlemen, and ever had done, he would not have suspected him of influencing their conduct. But why would not the Noble Duke, when he felt himself hurt on that occasion, come fairly to him, and tell him the cause of his resentment. He was open enough surely; for openness was so much his characteristic, that he was open to a fault, and by the advice of his friends, on that very account, secluded himself from the world. The Noble Duke and he had lived on terms of sufficient intimacy to have encouraged the Noble Duke to come to him. He had dined with the Noble Duke, the Noble Duke had done him the same honour at his house; that friendly intercourse might have gone on till now, had not the Noble Duke broke it off; why, the Noble Duke best knew; but he supposed on account of what happened in the House of Commons. The Marquis pressed the Noble Duke to rise, and to do him justice on the present occasion. He said he knew the Duke was a fortification difficult to take; he wished he would let him have the honour of atchieving a victory; if, however, he would not, but would obstinately persist in maintaining that he had obtained his concurrence previous to laying his plan before Parliament, he should rest satisfied with the evidence of the Noble Duke's letter, and let the whole matter remain upon that ground.

Duke of  
Richmond.

The Duke of *Richmond* rose again, and said, the Noble Marquis had thought proper to introduce a great deal of private anecdote, mixed with sarcasms, but that he should not follow him in either, but should adhere to his purpose; and so far from being willing to concede the point he set out upon, he must insist upon it that he had clearly established it by the testimony of Mr. Pitt's letter, and by other circumstances. His Grace apologized to the House for having so long detained them; but said, if any of them had been in such situations themselves, they would naturally allow for his anxiety to clear himself from so heavy a charge. He took notice of the words of the Noble Marquis on the preceding day, when he had said, his conduct  
had





had been merely a piece of *all ifs to avoid irritating him*, and observed, that all confidence between Ministers must be at end, if they were to act delusively with each other. Before he sat down he thanked Lord Stanhope for his endeavours to clear the difference; but if that Noble Earl would look into the Ordnance estimate of 1783, he would there see that the system of fortifications was openly proposed by him to the House of Commons, in a manner that could not in the nature of things have been done without the consent of the Treasury.

The Duke of *Manchester* called back the House to the original business of the day, viz. the business of the Address, by stating an observation or two about the Neutral Code, founded upon a written paper, containing his Grace's account of that conversation of the French Minister, upon that subject. D. of Manchester.

The Duke of *Portland* moved, that the Address of the House relative to the Repeal of the 6th of George the First might be read. Duke of Portland.

The Address was read accordingly.

The Question was then put, and the House divided,

*Contents* 94,

*Non Contents* 24.

The House then rose.

A Protest was entered against the proceeding.

*Friday, March 16.*

### M U T I N Y B I L L.

In the Committee on the Mutiny Bill a debate arose on Lord Stormont's proposing an amendment to that clause, which extends the provisions of the Bill to Officers holding Commission by Brevet.

Lord Viscount Stormont, the Earl of Rawdon, and Lord Portchester severally argued in favour of the Motion of amendment, and Lord Hawkesbury against it.

The





Duke of  
Richmond.

The Duke of *Richmond* argued in favour of the words as they stood in the Bill, illustrating various cases in which an Officer, though called into service as a Captain, yet exercised command, as holding a superior Commission by Brevet. His Grace pointed out these instances to shew, that although the Officers so described received pay only as Captains, or whatever their acting commission might be, that yet they were held amenable for their conduct as commanding officers, and liable to be tried by a Court-Martial for it. Hence he argued that Officers holding Commissions by Brevet ought to be amenable to Martial Law, and reasoned a good deal on the right of an Officer by Brevet to assume the command, where the rank of the Officer exercising command, before his arrival, might be of rank inferior to that rank his Brevet Commission entitled him to. His Grace read the words of a Brevet Commission, to shew how extremely strong they were, as they ordered all the King's officers and soldiers of a inferior rank to obey the person holding such Commission, and said, he would illustrate his general argument in support of the clause as it stood in the Bill, by reminding their Lordships of a case, which, though not a case in all respects precisely in point, would serve to lead their Lordships to an idea of the necessity of subjecting all Brevet Officers to military law. The case he alluded to was, the surprize of the Lieutenant-Governor of Elizabeth-Castle, in the island of Jersey last war. That officer having been surprised and taken by a party of the French who landed on the island, was obliged to consider himself as a prisoner of war, and as such he signed a paper directed to the officer next in command under him, purporting that he had surrendered Elizabeth Castle and its dependencies, and commanding the officer to comply with the conditions of the surrender. The officer was a good deal puzzled how to act; he felt he stood in a very delicate situation, and knew not whether he had best refuse to surrender the Castle, and incur the danger of having been guilty of disobedience of the orders of his superior officer, or to comply





ply with the order, and incur the danger of being tried for an unnecessary surrender of his Majesty's Castle; in this moment of hesitation, an Engineer rode into the Castle, and being superior by Brevet in rank to the officer then in command, took the command on himself, tore the order of surrender, and defended and preserved the Castle. This brave officer, his Grace said, was Captain Mulcaster, at that time it was true in actual service in the island; but supposing he had not been in actual service, and supposing he had acted differently and given up the Castle, would any man say he ought not to have been tried by a Court Martial for his conduct? The Duke also instanced the case of Brevet Officers sitting upon Court Martials, which they notoriously did frequently.

The Earl of *Balcarras* spoke next, and commented on some words spoken by Lord Portchester, and made mention of the three cases of General Ross, Colonel Stuart, and Colonel Gould. He also adverted a good deal to his own situation, and to that of Lord Rawdon. Earl of Balcarras.

Lord *Portchester* rose to explain, and to state that he had not, as the Noble Earl had imagined, declared it to be *his* opinion, that Officers holding rank by Brevet *must*, as well as *might*, take the command, wherever they came and found the command in the hands of officers holding rank inferior to their brevet rank; but to have said, that if it were true, that officers of superior rank by brevet *might* assume the command where they found it in the hands of officers of inferior rank to their own, that they *must* and *ought*, for that there could not exist a distinction between the right, and the obligatory exercise of it; in such cases, therefore, if they *might*, they *must*, and would be liable to be tried by a court-martial if they did not. His Lordship reminded the Duke of Richmond, that he had come to Portsmouth, while he [Lord Portchester] was in command there; and though his Grace's rank was superior to his, yet he did not assume the command which he was bound to have done, if the argument really stood as had been stated. Lord Portchester.

Lord





Lord Raw-  
don.

Lord *Rawdon* rose to take notice of some things that had been said in the debate by the Duke of Richmond and the Earl of Balcarras. With regard to the case of Elizabeth Castle, in the Island of Jersey, most certainly, as the Noble Duke had himself stated, that was not a case precisely in point. That case happened in the time of war, in an Island fortified and garrisoned, and the officer who had behaved so gallantly, was in actual service on the spot, and therefore was clearly amenable to military law. His Lordship contended, that a Commission by Brevet, of itself was a nominal rank, that ought not to be made amenable to martial law, unless called into life by a letter of service, from the Secretary at War, a nomination in General Orders, or some other notification of the officer holding it being called upon to serve. With regard to a court-martial, and Officers by Brevet having sat upon court-martials, while they so sat, he considered them as in actual service, but when the court-martial was over their state of actual service ceased. His Lordship alluded to a case that had been put by Lord Stormont, upon a supposition that at the time of the Revolution, a Peer, who was a Brevet Officer, had advised the Commander of a regiment to go over with his regiment from King James to the enemy, and contended, that in all probability, had that case happened, the Government would not have tried such Noble Lord by his Peers, in that House, where the constitutional question would have doubtless been taken into consideration, but would have put him on his court-martial, who would have enquired as to the fact. The case of Colonel Gould had, he observed, been mentioned. He would explain that to their Lordships. He [Lord R.] had held a special commission in America, as commander of a part of the army destined for particular service in the southern quarter of the district in which the army was to act under Lord Cornwallis; and he had besides particular instructions from that Noble Earl, to take from all the various parts of the army that he came near, as many men as should upon the whole make up a number, in his opinion, equal to the service upon





upon which they were to be employed. When Colonel Gould arrived at Charles-Town, he [Lord R.] waited upon him, and shewed him his Letter of Service and his Instructions, informing him that his command was not to be interfered with, and requesting a certain number of men, which was complied with. This, his Lordship said, was the true state of the case of Colonel Gould. He next mentioned the case of General Stuart, and declared it to be his opinion that the General had great cause of complaint in having been denied his court-martial. It ought, in his mind, to have been granted him. His Lordship, before he sat down, recapitulated the distinction that he conceived ought to be taken with regard to a Commission by Brevet, without a Letter of Service, a nomination in general orders, or some admitted means of giving life and animation to a Commission of Brevet.

Lord Sydney said, the main question had been so fully debated, Lord Sydney. that he did not say one word upon it, nor should he have risen, had not something fallen from the Noble Lord respecting General Stuart. He reminded their Lordships, that General Stuart had a Colonel's commission in the army when he went out to India, and that a Major General's commission had been granted him by Brevet, but that it was limited locally, and gave him the rank of Major General only in India, where it was intended that he should be the second in command, and as such next to Sir Eyre Coote, at the head of the Company's forces. In that capacity he had acted, and his Lordship declared, he should be glad to know how it was in his power to bring General Stuart to a court-martial, circumstanced as he was. He had, he assured the Committee, taken infinite pains to do it; but it lay wholly with the Board of Directors of the East India Company, in whose service, and not in the service of the Crown, General Stuart had acted as second in command in India. He knew not how to punish any Board of Directors that would not in their own case bring an officer to a court-martial for conduct in their service. His Lordship maintained the general argument in  
favour





favour of the Bill as it stood, declaring, that for the latter years of his life, he had been a good deal in the habit of conversing with military men, and there was not one of them, with whom he had talked on the subject, who had not declared it was desirable that the law should so extend, as to give Gentlemen, holding a Commission by Brevet, an opportunity of clearing their characters by court-martials, as well as other officers, and that till the late decision of the Judges, in the case of General Ross, the law had been so understood to stand.

Lord Hopetoun.

Lord *Hopetoun* and Lord *Stormont* each spoke for a short time, after which

Lord Thurlow.

The *Lord Chancellor* went over the whole argument, declaring, that although he had the most profound respect for the opinion of the Judges as recently delivered, and knew that it was an opinion that ought to be bowed down to, yet that before that opinion had been declared, the law had been understood to extend, as it was made to extend by the Bill on the table, to officers holding Commissions by Brevet. The Bill therefore did nothing more than declare *that* expressly to be the law, which had been understood to be the law before. In order to prove that it ought to be the law, his Lordship went much at large into the subject, explaining to what description of men the Mutiny Bill ought to extend, and to what, in his judgment, it ought not. The army, he stated, as a peculiar description of men, necessarily bound by laws different from those which governed civil society in general. When men entered into the army they voluntarily undertook a profession which they knew to be governed by martial law, and having done so, if they condescended to continue after actual service, to accept the rank and honours of that profession, he saw no reason why they should not be held amenable to its discipline and its laws. Nor was the fact, that an Officer by Brevet could not incur the danger of violating any of the Articles of War in any degree true. They might incur a variety of them; he would instance only one





one particular. For an officer to *speaking irreverently of the Sovereign* was a crime by the Articles of War; and would any man say, that an Officer holding a commission by Brevet was not as liable to be tried by a court-martial for *speaking irreverently of the Sovereign*, as any Officer in actual service? A good deal of argument, he observed, had gone upon Brevet Officers sitting upon court-martials; the reason was obvious; the Articles of War declared, that all officers holding certain rank were fit and capable of being called upon to sit on courts-martial; Brevet Officers, therefore, were eligible on account of their holding such commissions as the Articles of War described. The officers of the guards, he stated, as being peculiarly circumstanced; they held nominal superiority of rank upon a comparison with the rest of the army, but they did not hold that by their commissions, but under the Articles of War. Strained cases had, he said, been put, in order to make out the argument against the clause as it stood, and among others, it had been hypothetically argued, that if at the time of the Revolution, an officer should have advised the Commander of a regiment to go over with his regiment from James II. to the Prince of Orange, and had been afterwards tried for it, how would the issue have been? This, his Lordship said, could never have happened, unless the Revolution had failed. What was a Revolution? It was when the despotism and tyranny of a Government grew to be so intolerable, that the obligations to obedience were necessarily dissolved, and all the individuals of a community recurred to a state of nature, till things settled under some new Government. This was clearly the case in 1688, and consequently no man would have dared, after the Revolution, to have talked of James the Second as the *King*, and of the Prince of Orange as the *Enemy*. To what end, then, put an impossible case! His Lordship dwelt for some time upon this, and stated the distinction between Officers on Half-pay, and Officers holding Commission by Brevet. The one, he said, had the honours; the other the rewards of the profession. The Officers on Half-

pay





pay were clearly no longer soldiers, but citizens. The case of the others he considered as extremely different.

Lord Lough-  
borough.

Lord *Loughborough* declared, that if it could be made out that the law formerly had been understood to be, what the clause, as it at present stood, declared it to be, he should have no sort of hesitation to say, the declaration could not be too explicit; but he had never heard, nor could he even, upon enquiry, discover that or any thing like it to be the fact. In the case of General Ross, no man could have shewn a stronger wish to have his conduct enquired into; he had sought such an enquiry anxiously, and who had found the difficulty? who started it? not General Ross; no Member of the long Robe; but the Members of the court-martial themselves. Their knowledge of the custom and usage of their own profession suggested the difficulty, and upon that the question came before the Judges. As one of that description, he had delivered his opinion, the unanimous opinion of all of them, and after he had delivered it, he had heard from an infinite number of officers, that they should have been excessively surprized, had he delivered any other opinion than he did. His Lordship stated the doubts, that he at one time prevailed, even respecting Half-pay Officers being subject to the Mutiny Bill, and mentioned the surrender of Preston, in the rebellion of 1715. At that time a number of young men, on half-pay, had entered into the rebellion; the Government had just before issued a Proclamation, putting the half-pay list on full pay, and ordering them to hold themselves in readiness, when called upon to enter into actual service. The young men who surrendered, were all of them, except one, who proved that he had resigned his commission before the half-pay was changed to full pay, tried by court-martial and executed. With regard to the argument of the Noble and Learned Lord, upon the Articles of War, it would be a good one to apply to those countries, where the Government was military, but not to a country constituted as this was. It might apply to France, but not to England. The Articles of War, and the Mutiny Bill,





Bill, were the code for the Government of the existing army, the army in actual service; but not for Officers holding Commissions by Brevet, nor for officers on half-pay. With regard to an Officer by Brevet, *speaking irreverently of the Sovereign*, it would be a great offence; but what was the punishment of such an offence under the Articles of War? He was to be *cashiered*. His Lordship expatiated on this, and admitted that an officer so offending ought to be punished. He observed, however, that the same Article of War, that declared speaking irreverently of the Sovereign to be an offence, also deemed it an instance of mutiny, and stated, that to speak rudely to a superior officer was an offence likewise; but he appealed to Lord Amherst, whether, if an officer not in actual service, should accidentally hold uncivil language to him in promiscuous company, he should think he ought to be tried by a court-martial, though were any officer of inferior rank in actual service to hold such language to him, he undoubtedly would think it his duty, not from personal feelings, but from respect to his own rank, and the discipline of the army, in that case to proceed to bring the offender to a court-martial. [Lord Amherst nodded in confirmation of Lord Loughborough's reasoning.] As the Bill stood worded, his Lordship said, this extraordinary case was in possibility, viz.—that a capricious, ill-advised Government might order every Brevet Officer to go to Gibraltar, and there detain them. He reasoned upon this for some time, as a case actually in possibility, and asked if their Lordships would suffer a Bill, warranting the bare possibility of such a case, to pass into a law?

The *Lord Chancellor*, in reply, said, that while we had a Lord Thurlow.  
standing army, we must provide laws for the good government of that army, in order to make it as perfect, in point of discipline, as the army of any other country to which it might stand a chance of being opposed. There must, therefore, be a Mutiny Bill, and that Bill must be made to apply to the army, such as it was, that we kept standing. With regard to the Noble and Learned Lord's possible case of all the Brevet





Officers being ordered to Gibraltar, the converse of the case was equally to be provided against. Suppose every general officer, when called upon to go upon a particular service, should refuse to go; would the Noble and Learned Lord say, there ought not to be a Bill to enable the Government to avert such an evil? He admitted his supposition was like the Noble and Learned Lord's, a very extreme case, but it was equally possible to happen with the case of the Brevet Officers being sent to Gibraltar.—His Lordship repeated some of his former arguments.

The Question was then put, and the Bill was afterwards reported to the House by Lord Scarisdale without amendment.

---

*Monday, March 26.*

The Order of the Day being read for the Lords to be summoned,

Lord Raw-  
don.

Lord *Rawdon* rose to make a Motion,<sup>d</sup> declaratory that the Convention concluded between his Britannick Majesty and the King of Spain, and signed at London the 14th of July, 1786, did not meet with the favourable opinion of that House. His Lordship stated, that the Musquito Shore, given up to Spain by the Convention, had been in the possession of Great-Britain for more than a century, that it consisted of a territory of between four and five hundred miles in length, and was nearly of the depth of one hundred miles inland from the sea. That there were on it various settlements, and that the residents, at the time of its cession, consisted of near 1500 British subjects, including Whites, male and female, persons of mixed colour and their slaves. That a regular form of Government had been established on it, consisting of a Council, &c. &c. many years since. That it was a settlement of great value and importance to this country, and that our  
claim





claim to it was as good as our claim to the island of Jamaica. In support of these assertions his Lordship produced various documents of the Governor and Assembly of the island of Jamaica, and other corroborating papers. In exchange for this valuable settlement, he said, the British Ministers had contented themselves with accepting a narrow slip of territory, of between eleven and twelve miles in extent only. His Lordship reasoned, much at length, and with great ability and perspicuity on this disadvantageous exchange, and having sufficiently enforced the impression of his object on the minds of the House, he read to the House part of the fourteenth Article of the Treaty, which was as follows :

“ His *Catholic* Majesty, prompted solely by motives of humanity, promises to the King of England, that he will not exercise any act of severity against the *Mosquitos*, inhabiting in part the countries which are to be evacuated, by virtue of the present Convention, on account of the connections which may have subsisted between the said *Indians* and the *English*.”

His<sup>o</sup> Lordship commented upon this article, in terms of pointed severity, contending, that it was a most degrading humiliation of Great-Britain, and such as loudly called for the censure of that House, on those Ministers, who had consented to suffer it to stand a part of the Treaty. After putting this in a strong point of view, and urging a variety of arguments to prove, that the trade carried on through means of our possessing the Mosquito shore was a source of great advantage, his Lordship concluded with moving,

“ That the terms of the Convention with Spain, signed on the 14th of July, 1786, do not meet the favourable opinion of this House.”

Lord *Osborne* (Marquis of Carmarthen) observed, that when the Noble Lord first mentioned the subject of his Motion in the House, he had, with his usual politeness declared, that he did not impute the Convention with Spain to him, or consider it as a measure for which he was responsible. The Mar-

Lord *Osborne*.





quis begged leave to take that opportunity of declaring, that he was not only responsible for it as one of the Ministers honoured with his Majesty's confidence, but, that he was the Minister most particularly and personally responsible, being that Minister who had signed the Convention; nor did he wish to shrink in the smallest degree from the responsibility that belonged to the measure. If he had signed the Convention complained of, and given up the Mosquito shore, merely for the purpose of taking a narrow slip of territory of not more than between eleven and twelve miles in extent, in exchange for a territory of between three and four hundred long, and near one hundred in depth inland from the sea, he would be most ready to acknowledge, that he deserved every possible censure, and to have his name branded with infamy, and delivered down to posterity with all that odium and disgrace that ought so deservedly to be annexed to the name of that Minister, who could so basely have betrayed the interests of his country. But he had the happiness to know, that the Convention had been formed on far different grounds than the mere exchange of territory. The sixth Article of the Definitive Treaty of Peace with the King of Spain, rendered a Convention necessary, and on that ground it had been negotiated and concluded. He was ready to admit, the Marquis said, that in pacific times, when all was quiet, the Mosquito shore might be looked upon as a valuable possession; but considering its situation, with a jealous neighbour at the back of it, we might have found ample reason to have regarded it otherwise. In this, as in many other cases, where, upon the face of the transaction Ministers might appear to be to blame, there was strong and sufficient ground of justification, if the discretion due from men in high executive offices did not teach them rather to risque their own character, and to be contented with a consciousness of their innocence, than resort to that mode of justification which must necessarily rest on a disclosure of facts, highly necessary for the purposes of national safety,

and





and the continuance of the public peace and tranquillity to be kept concealed. On the present occasion, he would not be the Minister mean enough to justify himself by the betraying of any secrets that ought not to be made public without the consent of the Crown, and which, if made public, might be attended with consequences prejudicial to the country.

The Duke of *Manchester* declared, he rose in consequence of the blame that might otherwise be thought imputable to him, for the part he had taken in negotiating and concluding the Definitive Treaty, under the authority of one of the Articles of which it had been declared that the Convention with Spain was necessary. He owned, he felt himself particularly embarrassed in what manner to speak on the present occasion, since it was almost impossible for him to explain his own conduct, without going into a variety of matters that the House could not properly comprehend, unless they had all the papers before them to which those matters referred, and that perhaps his Majesty's Ministers might not think it prudent to permit. He would not therefore attempt to say any thing that might be considered as betraying State secrets; he would content himself with merely declaring, that the Convention went a great way farther than the Definitive Treaty made it necessary to go. The Duke desired it to be thoroughly understood, that he felt no unwillingness to go fully into the matter, but was ready to do it, if the papers in question could be brought regularly before the House; and he really did not himself think the production of them would do any hurt.

The Earl of *Carlisle* spoke of the Mosquito Shore as a settlement that had been in the undisturbed possession of Great-Britain for more than a century, and went into a series of reasoning, grounded upon references to dates and Treaties, to prove that it had been so. His Lordship quoted the year 1748, and other periods, to prove that our claim to it had been recognized, and after much argument to establish that fact, said, he could not agree that it was right to contend in that House for the value





value of the trade carried on by means of the Mosquito Shore settlement, if it was really, what he feared it must be acknowledged to be, nothing more than a smuggling trade upon the Spaniards and their settlements. Another reason why he could not agree to the Motion generally was, on account of the extreme delicacy of questions like the present. There was so much to be said of the discretion that Ministers were bound to exercise upon some parts of their conduct, that, where that was seriously pleaded, and it was declared, that necessary motives of secrecy prevented their making use of the justification in their power, he thought that degree of credit was due to them at least, that it should be taken for granted, that they had other, and much stronger reasons for what they had done, than appeared on the face of the transaction. Questions of censure, he added, were those kind of questions that, in his mind, ought not to rest upon mysterious and uncertain facts, but upon broad, palpable, self-evident misconduct, and therefore he could not help giving Ministers credit for having had other, and sufficiently justificatory motives, for giving up the Mosquito Shore. But there was a part of the Convention, which the Noble Lord had mentioned in the latter part of his speech, and of which the Noble Marquis had omitted to take any the smallest notice, and that was the language of the 14th Article of the Convention; that was, his Lordship said, a matter on which he had hoped the Noble Marquis would have given their Lordships some satisfaction, though he was at a loss to imagine how any Minister could justify himself for having hung up the humiliation of Great-Britain in every Court in Europe, in an article so degrading to the national honour. He enlarged on this, as a just ground of censure, because there could be no secret reason for such a mortifying sacrifice of the spirit of the country, and said, on that ground he thought the Motion justifiable.

Lord Stormont.

Lord Viscount *Stormont* declared he would, as shortly as possible, state his reasons for supporting the Motion; he was  
not





not able, if he were ever so desirous, of speaking at length upon that or any other subject. [His Lordship had a severe hoarseness.] He then began to say, that in all negotiations there ought to be a parity of advantage in the exchange of territories. In the present case, there was clearly no such parity.—He was proceeding to enter on an examination of the Article of the Definitive Treaty, and to compare it with the Convention, when he was interrupted by

The Duke of *Richmond*, who said, he rose to speak to order. His Grace apologized for having interrupted the Noble Vis-  
count, but said, he could not think it either orderly, or fair, to go into matters that could not be said to be regularly before the House, the papers on which the comparison rested not having been produced. The Duke reminded the House of what had fallen from the Duke of Manchester, who had felt himself precluded from a justification of his own conduct, for the want of those papers. The Duke was further alluding to the Duke of Manchester's speech, when

Duke of  
Richmond.

Lord *Portchester* called his Grace to order, declaring it was disorderly for any Noble Lord, who had called another Noble Lord to order, to allude, in the course of what he said to justify his having done so, to what had fallen in debate from another Noble Person.

Lord Port-  
chester.

The Duke of *Richmond* defended himself, by stating, that it was necessary for him to have said what he had done, in order to shew why the Noble Viscount had been disorderly.

Duke of  
Richmond.

Lord *Stormont* then rose again, and thanked the Noble Duke for having acted as he had, declaring he stood corrected, and would take the question up in a different way. His Lordship then went much at large in defence of the Motion, declaring it was the mildest Motion that could have been made on a matter of such palpable misconduct. He said, the Minister had been to blame for the irregular manner in which he had first introduced the Convention to the notice of Parliament in the Speech from the Throne, which in that instance might, with

Lord Stor-  
mont.





peculiar justice, be called the Speech of the Minister. He had been to blame likewise for, an exchange of territory, which was not so justifiable as that recorded of old, *viz.* the change of gold for brass. He spoke of the long established right of this country to consider the Mosquito Shore as her undoubted possession; a territory that she held by as good a claim as she held the island of Jamaica. He referred to the argument of Lord Carlisle on this point, and quoted, as his Lordship had done, different periods, to prove that our right had been recognized by Treaty. He instanced two precedents where motions of censure had been moved, and one in which the Prime Minister of the day (Lord Oxford) had joined in supporting the motion. He particularly enlarged on the 14th Article, as an unnecessary degradation of the country, and said, the Mosquito Indians had proved themselves faithful allies, and had invariably adhered to the interests of Great-Britain. He contended, that they were an independent people, and that we had no right whatever to deliver them over to the Spanish yoke. He spoke also of the British subjects, to whom we owed undoubted protection; and concluded his speech with declaring, that he would not give Ministers any advice that he would not take himself, and that he would, on no account whatever, have had a hand in the Convention.

Lord Taur-  
row.

The *Lord Chancellor* left the Woolfsack, and answered the various arguments that had been urged in support of the Motion. He began with declaring, that he had expected to have heard the Question spoken to with that degree of explicitness and candour that belonged to it. He had looked for more accuracy of description, in point of geographical character, than had been attempted. The Mosquito Shore had been talked of as a tract of country extending between four and five hundred miles, without the smallest mention of the swamps and morasses with which it was interspersed, nor any allowance for the parts of it that were actually impossible to be either cultivated or inhabited. With regard to settlements, it would have





have been imagined, by those who were strangers to the fact, that there had been a regular Government, a regular Council, and established Laws, peculiar to the territory, when the fact was, there-neither had existed one nor the other. His Lordship went into the history of the settlement, tracing it down from the year 1650 to the year 1777, mentioning Lord Godolphin's Treaty and all its circumstances, and deducing arguments from each fact he mentioned, to prove that the Mosquito Shore never had been fairly to be deemed a British settlement; but that a detachment of soldiers had been landed from the island of Jamaica, who had erected fortifications, which had been afterwards, by order of the Government at home, abandoned and withdrawn. He instanced the transactions on the subject at the Peace of Paris in 1763, when Governor Littleton governed Jamaica, and enlarged upon them, to shew that this country, by the Peace of Paris, had renounced whatever claim she might before that period have fancied she had a right to maintain; and had given a fresh proof of her having done so, in the year 1777, when Lord George Germaine, the Secretary for the American department, sent out Mr. Lawrie to the Mosquito Shore, to see that the stipulations of this country with Spain were carried fully into execution. His Lordship enlarged very much on these particulars, and after enforcing and applying them to the arguments that had been urged in defence of the Motion, proceeded to notice what Lord Carlisle had said on the delicacy of questions of that sort, declaring, that he had been happy to hear the matter so judiciously observed upon. His Lordship said, he should have been extremely glad if the whole grounds of the transaction could, with prudence and propriety, have been gone into; but, as that could not be done, he must meet the matter as he found it. With regard to the degradation of the country, that the 14th Article was pretended to hold out, he denied the fact. The Mosquitos were not our allies; they were not a people we were bound by treaty to protect; nor were there any thing like





like the number of British subjects there that had been stated, the number having been, according to the last report from thence, only 120 men and 16 women. The fact was, we had procured (by contract, if Noble Lords pleased) a stipulation that the King of Spain would not punish those British subjects, and the Mosquitos, who had possessed themselves improperly of the rights belonging to the Spanish Crown, and in consequence of such irregular possession, had persisted, for a course of time, but with frequent interruption, in the enjoyment of those rights. His Lordship repelled the argument, that the settlement was a regular and legal settlement, with some sort of indignation; and so far from agreeing, as had been contended, that we had uniformly remained in the quiet and unquestioned possession of our claim to the territory, he called upon the Noble Viscount to declare, as a man of honour, whether he did not know to the contrary?

Lord Stormont.

Lord *Stormont* replied, and maintained his former argument, as to the general turn of it.—With regard to the question that the Noble and Learned Lord had put to him so pointedly, he could not but observe, that a Noble Duke had called him to order, for going to speak particularly to the very point which the Noble and Learned Lord now called upon him to answer to. His Lordship then went into argument to meet that question.

Lord Rawdon.

Lord *Rawdon* rose, to take notice of some passages of the Noble and Learned Lord's speech that had gone upon what had fallen from him, and answered them severally. He produced some documents signed by General Dalling, when Governor of Jamaica, to prove that a Superintendant had been sent over to the settlement on the Mosquito Shore at that time, with a view to form a Government. His Lordship also quoted the year 1744, as one proof that there had existed a Council of Trade, &c. publicly recognized by this country so long since. • With regard to there having been mutual claims equally urged by Great-Britain and Spain, the test of ability  
in





in Ministers, he said, would have been proved, by their having made good our claims, and not by their having ceded them to the claims of Spain. His Lordship declared, that he had, upon the whole, heard nothing that had induced him to think otherwise of the propriety of his Motion, than before he had offered it to their Lordships consideration.

The *Lord Chancellor* replied, and said, he was aware of the application for a charter, but he wished the Noble Lord had mentioned the answer that was given to that application, when it had been made. His Lordship said, the having sent a Superintendent over, with a view to the establishment of a regular Council, &c. did not by any means prove that the Government at home had countenanced the scheme. He referred the Noble Lord to what he had before stated, relative to the conduct of Governor Littleton in 1763, and of Lord George Germaine in 1777, as an ample proof that, let what would have been the state of the Mosquito Shore, or the opinion of this country, in 1744 or 1748, the idea of settling there had been changed completely since, and the fortifications recently abandoned and withdrawn. His Lordship said, he had heard a Minister called upon *to speak out*. He wished Noble Lords, who supported the question, would speak out. "Would they say, the trade carried on from the Mosquito Shore was any thing, either more or less, than a *smuggling trade* upon the Spaniards and their settlements? And would any Noble Lord say, that a British Minister, in any given situation, ought to maintain and support such a trade, in the face of Parliament, or in negotiation with any one foreign Court whatever?"

Lord *Rawdon* said, he had not argued upon what would have been done, had a charter been granted when applied for, but had produced a document to establish a fact, and to prove that there had many years since existed a Council to protect trade, and a regular form of Government.

Lord





Ld Hawke. Lord *Hawke* corroborated this, by instancing the Treaty of 1672, and a Negotiation of 1717, a few years after the Treaty of Utrecht.

At length the Question was put, and the House divided,  
*Contents 17, Not Contents 53.*

---

*Tuesday, March 27.*

The Order of the Day, being the third reading of the Bill for building a bridge at Gainsborough over the river Trent,

Lord  
Thurlow.

The *Lord Chancellor* left the Woolfack, to object to the said Bill, upon the ground of its containing a clause to exempt the *tolls* of the said bridge from being rated or assessed for or towards any *public or parish rate, tax or duty* whatever. He stated, that *all* property that was improved, by the laying out any sum of money, should pay towards the parochial burdens, and that, as the bridge was private property, there was no reason why it should be exempted from the general rule. That there was now a ferry, which did pay to the parish rates, and therefore that the inhabitants of the parish or parishes, whose parish rates were so eased by such payment, would be injured, if the bridge were built, inasmuch as the ferry would thereby be destroyed, and the said inhabitants be deprived (under this clause) of their property, without notice, and without any compensation, the said inhabitants not having signified their consent to the clause in question.

Earl Stan-  
hope.

Earl *Stanhope* rose, to differ entirely from the learned Lord, and stated clearly his grounds for such difference of opinion. He said, that no person either did, or could, contend, that the bridge at Gainsborough, across the river Trent, was not an object of great public utility, and that it would be highly improper to stop so meritorious an undertaking, on account of the objections of the learned Lord, which he conceived were perfectly





perfectly ill founded. That, so far from thinking that *all* property should be taxed, he contended that it ought to be laid down by the House as a general and *universal rule*, (liable to no exception in any case whatever,) that the tolls of all bridges, roads, canals, inland navigations, and every undertaking whatever, the object of which was to open and facilitate the free communication from one part of the country to another, should always be exempt from paying any parish rates, or any other tax of any kind whatever; and that he wished the public at large fully to understand that rule so laid down. He expatiated upon the utility of canals, and stated that it would shew the principle laid down by the learned Lord in its true colours, if it were applied to a canal that passes through ten, twenty, or thirty parishes.—If the tolls of such canal are to pay taxes in each of these parishes, the tolls would become so much more considerable, as to frustrate the very object of a canal, which is to open a free and cheap communication. That *this principle* was equally absurd, when applied to a single bridge, though it was, no doubt, less detrimental in this case, because the application was less considerable in point of extent; but, being a *bad* principle, it ought not to be admitted in any case whatever. That, so far from the inhabitants of the parishes being losers by this undertaking, on account of the disputed clause, they would be most extremely benefitted by this bridge, and would not thank the learned Lord at all for his defence of their interests, which were not attacked, except by the learned Lord himself.

Earl Stanhope then said, that he would put the Noble and Learned Lord in a *dilemma*, out of which he could not extricate himself.—That the learned Lord had *not* contended that the profits to the proprietors of this bridge were greater than what was reasonable, considering the heavy expences and risks attending the undertaking. If then those profits are *not too great*, is it not an act of injustice to diminish them by a tax upon the tolls? And if those profits are *not* to be diminished, then





then the tolls must be *encreased*, and money taken out of the *pockets of the public*, to serve two particular parishes, who are already so highly benefited by the general and admirable operation of this Bill. What a principle !

Earl Stanhope then stated to the House the ridicule that would result from the *rejection* of this Bill to erect the proposed bridge across the river Trent ; inasmuch as the learned Lord had let pass a Bill, which had received the Royal Assent by commission a few days ago, and the title of which was, “ *An Act for making, maintaining, and repairing, a Road from the West End of the Bridge intended to be built at or near the Ferry over the river Trent, from Gainsborough, in the county of Lincoln, to, &c.*” So that, after the three branches of the Legislature had enacted that a Road should be made to *this intended Bridge*, the learned Lord comes to stop the Bill which is proposed *to build the Bridge*, to and for which the *Road* is to be made.

Duke of  
Norfolk.

The Duke of *Norfolk* said a few words in support of the Bill, and shewed clearly the difference between the case of any man improving his *private property*, and a set of persons laying out money to promote an object of great *public utility* ; and said, that the principles that applied to the one were inapplicable to the other.

Lord Thur-  
low.

The *Lord Chancellor* made a short reply, and said, he should not divide the House.

The Bill then passed.

#### SUSSEX GAOL BILL.

The Bill, that the House of Commons had substituted in lieu of that which they had rejected, as being a Money Bill, having been received,

Duke of  
Richmond.

The Duke of *Richmond* rose, and argued in favour of the Bill, and for the dispensing with the standing order against receiving a Bill so circumstanced. His Grace shortly stated, that the House of Commons had considered it as a Money Bill,





as it gave the Commissioners a power of levying upon the public the expence of building the gaol, and had therefore rejected the Bill. The Duke concluded with moving, “ that the Standing Order be dispensed with.”

The *Lord Chancellor* left the woolfack, in order to discharge what he termed the most painful part of his duty, as no man could wish less than he did to thwart the wishes of any individuals respecting the object of a private Bill ; but as the standing orders of that House were made on the principles of equal justice, and with a view to give the lowest Chimney-sweeper in the kingdom his right, as readily as it would be given to the first man in the realm, it became indispensibly incumbent on him to suggest to their Lordships, that the Standing Order was directly in the teeth of the Motion then before the House. His Lordship then recapitulated the circumstances of the case, and admitted, that it had not been foreseen that the House of Commons would have deemed the Bill a breach of their privileges claimed in 1674 ; but having done so, he must submit it to their Lordships, whether they ought to violate their Standing Order.

Lord  
Thurlow.

The Duke of *Richmond* admitted, that the Noble and Learned Lord had faithfully done his duty, in laying down the principles that he had stated, and that every subject, the lowest and most insignificant, as well as the first Peer in that House, had an equal claim to justice ; but he begged leave to contend, that the case, with respect to the present Bill, stood on singular and distinct grounds. His Grace stated what the particulars were that separated the case from ordinary proceedings upon private Bills, and persisted in his Motion.

Duke of  
Richmond.

The Duke of *Manchester* stood up an advocate for the doctrines stated by the Lord Chancellor, but could not suppress a wish that the fair, constitutional, and undoubted privileges of both Houses, were clearly defined and established. Without the smallest imputation on that Honourable House, he said it must be admitted that accidental circumstances arose, which occasioned

Duke of  
Manchester.



occasioned the House of Commons sometimes to insist upon unexpected pretensions to privilege, rather lightly. In such cases, the miserable shifts to which both Houses were reduced, were beneath the dignity of one as well as of the other. No man, his Grace said, was a more zealous advocate for the privileges of the Commons of England, than himself; but surely those privileges would be more safe and secure, if the line was so clearly drawn that they could not be inadvertently infringed. His Grace said, there were such particular and forcible reasons in favour of the present case, that he should certainly vote for dispensing with the Standing Order.

The Lord Chancellor put the question, and, upon hearing the voices of the *Contents* and *Not Contents*, said, “I am afraid the Contents have it!”

#### INSOLVENT DEBTORS BILL.

Lord Rawdon. Lord *Rawdon* rose to discharge the Order for reading the Insolvent Debtors Bill a second time, and moved, that a new Order be made for reading it a second time on Monday next.

Duke of Manchester. The Duke of *Manchester* said, the Bill involved the prospects of so many distressed individuals, that he hoped, for the sake of mercy and humanity, let the fate of the Bill be decided which way it would, it would not be any longer delayed, but that the Noble Lord's motion was meant to be effectually complied with, and that the Bill would on Monday be either gone through and ordered to be committed, or rejected, that the unhappy persons concerned might know what they had to trust to.

Lord Rawdon. Lord *Rawdon* assured the Noble Duke he had no desire to delay the Bill, but, on the other hand, an anxious wish to get it passed, conscious as he was how many it would make happy, and restore to society. He declared, he had come down to the House, expecting that it would be read a second time that day, but in consequence of the arrangement of other business, he found it rendered impossible.

The





The Duke of *Norfolk* said, he had an apology to make for having been the innocent cause of so long delaying a Bill that he certainly wished well to, and meant to support. He understood that the Bill had been delayed on account of his absence town, which had been occasioned by real business, but a mistake had been made as to the time of his return. His Grace declared he had every wish to accelerate the passing of the Bill, and would give it his best assistance.

Lord *Rawdon* declared, there had been no occasion for the Noble Duke to have made any apology, as he was conscious of his Grace's good wishes towards the Bill. His Lordship concluded with moving, That the House be summoned on Monday next.

Ordered.

---

*Friday, May 18.*

#### RIGHT OF VOTING AT AN ELECTION OF SCOTCH PEERS.

The Order of the Day for the Lords to be summoned to take into consideration a Motion relative to the election of Scotch Peers, to serve in Parliament, having (upon motion) been read,

The Earl of *Hopetoun* rose, and desired that the Resolution of January, 1708-9, relative to the votes of Scotch Peers, created British Peers since the Union, in cases of Election, might be read.

The Clerk read it accordingly, and it purported, that "At an election of the Sixteen Peers of Scotland, to represent the Scotch Peerage in the British Parliament, or of any one of them, a Scotch Peer, who had been created a British Peer by Patent since the Union, should not be entitled to vote."

The Earl rose as soon as this was read, and said, the subject on which he had taken the liberty of troubling their Lordships, lay in a very narrow compass. It was clear, from the Resolution





tion that had been just read, that the matter had been taken into consideration early after the Articles of Union between the two Kingdoms were settled, and it appeared that it had been very deliberately considered and discussed, before the Resolution was put upon the Journals. That Resolution had remained unfixed as to its propriety and justice ever since, nor had any Scotch Peer, in the circumstances described, viz. that of having been created a British Peer by Patent, attempted to vote for any of the Sixteen Peers returned to represent the Peerage of Scotland in Parliament, till the last election, when two Noble Dukes, who both possessed British Baronies, voted for the two Peers, vacancies for whose seats had been made, in consequence of a late determination of that House. His Lordship said, he imputed no blame whatever to the two Noble Dukes in question, but as he conceived their Lordships meant that their Resolutions should be effectual, and not remain waste paper, he thought there could be no objection to his Motion, the purport of which was, "that a copy of the Resolution of January, 1708-9, be transmitted to the Lord Register of Scotland, as a rule for his future proceeding in cases of election." His Lordship concluded with moving the Resolution in form.

As soon as the Motion was read,

Lord Douglas.

Lord *Douglas* (Duke of Queensberry) said, the Motion went materially to affect his rights, he hoped, therefore, the House would not precipitately, and of a sudden, decide a question of such a nature, but would suffer him to be heard by his Counsel before they proceeded to a decision.

Lord Osborne.

Lord *Osborne* (Marquis of Carmarthen) said, the Noble Duke appeared to mistake the nature of the Motion altogether. It was not a question involving in it considerations of private right, but a plain simple question, whether that House meant to abide by its Resolutions or not. The Resolution of 1708-9, was, in his opinion, a clear well-founded maxim, since as the Sixteen Peers represented the Peerage of Scotland, who were in fact no otherwise represented, Scotch Peers created British





British Peers could have no claim to vote, as they sat in Parliament in their own right, and had no claim whatever to any part of the compensation made by the Acts of Union to those, who, having given up their personal right to sit, could only sit virtually and by representation.

The *Lord Chancellor* left the Woolfack, and in a speech of considerable length, fraught with much elaborate argument, ingenious reasoning, and many strong appeals to the justice of the House, earnestly exhorted their Lordships to be cautious how they proceeded precipitately, and of a sudden to decide a question of much greater importance, than it might, upon the first blush of it, appear to be. His Lordship stated, that a Resolution of either House of Parliament, however unanimously carried, did not constitute law; nothing, he said, amounted to, or made law, but what had passed both Houses legislatively, and had received the assent of the Crown in the form of an Act of Parliament. That the House were now called up in their judicial capacity to re-deliver a judgment that they had formerly delivered. That there was no new case before the House, and that it was diametrically contrary to the practice of every, even the lowest Court of Justice in the kingdom, to re-deliver a judgment, unless in consequence of some new case, that made such re-delivery necessary. As a proof how little the Resolutions of the House were to be considered as equal to law, he stated, that on the 20th of December, 1711, that House passed a Resolution, declaring two Noble Scotch Dukes, who had been created British Peers, incapable of sitting in that House as British Peers. He reasoned upon the injustice of these two Resolutions in proportion to their different effects and operations. The first took away the votes of the Noble Dukes as Scotch Peers, and the other deprived them of their seats as British Peers. The Resolution of 1711 was undoubtedly a very great hardship, and it had lately been done away, but how? Not by Resolution, but by an Act of Parliament. In like manner, if upon mature consideration and deliberate discussion,

Lord Thurlow.





it should be thought right to make the Resolution of 1708-9 effectual, let it be done by due course of Parliamentary proceeding; let a Bill be brought in, and pass through its regular stages, but by no means let the House, acting judicially, decide a matter that involved in it the private rights of individuals. Whenever the question, whether the right of a Scotch Peer, who had been created a British Peer by patent, to vote at the election of Scotch Peers to serve in Parliament, came to be finally decided, there were other important considerations to be decided at the same time. For instance, suppose a Scotch Peer was made a Bishop; did he in that case lose his right to vote at an election of any of the Sixteen Peers to sit in Parliament? When a Scotch Peer was created a British Peer by patent, why ought his sons to be deemed ineligible to sit in the other House? These, and a variety of other questions, intimately connected with the Resolution in discussion, his Lordship said, presented themselves to his mind, which considerably increased the importance of the case, and pointed out the propriety of their Lordships not precipitately deciding upon the subject. Another consideration was, what was the nature of the office of Lord Register? Was it purely judicial, or purely ministerial? Or was it of a mixed nature? As he took it, the Lord Register was to record the decisions of the remnants of the Scotch Parliament, the Lords of Council, and the Lords of Session; to authenticate certificates of their proceedings, and at an election to take by his Clerks the Lists of the Lords who voted. His Lordship put the case in different ways, as to the difficulty the Resolution of 1708-9 being transmitted to the Lord Register would occasion, whether he were either judicial or ministerial; and contended, that instead of preventing future embarrassment, it would cause great increase of difficulty to the Returning Officer. He asked, where was a precedent to be found for such a proceeding as was now recommended to their Lordships to adopt? If it were of so simple and warrantable a nature as it had been represented, how happened it that





that it had never entered into the head of any one Member of the House of Commons, when an election contest was decided, to move to send down the ground of the decision to the Returning Officer to be the guide of his conduct at future elections? His Lordship alluded to Lord Loughborough's speech on the former debate, when the question had been, whether a Scotch Peer, possessing a British Peerage by patent, was eligible to be returned one of the Sixteen Peers, and observed, that an authority that he had quoted, had by the Noble and Learned Lord been said to be an authority of little weight, as the writer in question had afterwards been put in the pillory. The fact might be so, but the writer in question had himself taken his opinion from an authority not to be disputed,—from the Records of the Scotch Parliament. Why then would not their Lordships wait till those Records could be consulted? They were, he understood, to be come at, and were in Edinburgh at present. Another ground on which he thought the House's coming, at that time, to a decision of the Question improper, was, that one of the two Noble Dukes involved in it, was actually out of the kingdom. As two months had elapsed since the election took place, he asked why had not the subject been brought forward sooner, when the Noble Duke in question (Duke of Gordon) might have been present? He would not, he said, impute it to design, because he well knew the Noble Earl, who had that day made the Motion, was infinitely above doing any thing by design that was not perfectly candid and fair; but surely the House would not, just on the eve of the end of the Session, without any sort of explanation given by the Noble Earl who made it, agree to the Motion behind the back, and in the absence of the Noble Duke, whose rights the Resolution, once agreed to, would materially injure. After a variety of strong arguments of a similar tendency, his Lordship earnestly pressed the House not to precipitate the Motion, declaring, that although the Noble Earl had done him the honour to put





a copy of it into his hands the preceding day, he had been at the time engaged in conversation of so arduous a nature, that he had not sufficiently noticed its tendency; and as the House in general were strangers to it till it had been made, the House might be said to have been taken by surprize, which ought not to be the case in a matter of such considerable importance.

Earl of  
Hopetoun.

The Earl of *Hopetoun* rose to explain. His Lordship declared he had been so short before, because the ground on which the Motion stood was so obvious, that he had thought it unnecessary to take up the time of the House. The Earl stated, that the object of his Motion was to enforce the Resolution of the House, which their Lordships certainly meant should be obeyed, and should be the rule of conduct at every election subsequent to the time of originally passing it. He said, that it had been obeyed till in the instance of the late election, when the votes of two Noble Dukes, who had been created British Barons, had been tendered and taken in the face of the Resolution. He denied that it at all intruded upon the private rights of those Noble Dukes; it left their rights as entire as they were before, and pointed out to them, that if they thought themselves injured, they must apply to that House for a remedy. With regard to his having come upon the House by surprize, he begged leave to deny that charge. He had given notice, that he should make a motion relative to the right of voting at the election of Scotch Peers to sit in Parliament, above ten days ago, and he knew not of any obligation upon a Peer to do more when he gave notice, than just state what the subject was to which his Motion would point.

Earl of  
Stanhope.

Earl *Stanhope* said, the Noble and Learned Lord's arguments had been extremely plausible, and extremely fallacious, as he would prove. The Noble and Learned Lord had declared the right of voting for representation in Parliament to be a *private* right. The very reverse was the fact. The right  
of





of voting for Parliamentary representation was a *public* right, vested in an individual as a trust, to be exercised by him for the benefit of the community. In support of this doctrine his Lordship quoted the authority of the late Sir George Saville, whom he represented in his true light as a man of sound judgment, great knowledge, profound sagacity, and unimpeachable virtue and integrity. Sir George, his Lordship said, used to reason thus : If the right of voting at an election were a private right, any individual possessing it might publicly sell it, as well as he might legally dispose of any other part of his private property. But the fact is otherwise, it is a public right, vested in him as a trustee, and he is liable to heavy penalties if he sells it. That was, the Earl said, the clear and undoubted definition of the right of voting. With regard to the present Motion and the Resolution of 1708-9, neither of them altered the right of the Noble Duke's in question ; they only pointed where they should come for a remedy, if they thought themselves aggrieved. To illustrate his meaning, he stated the case of last Bedfordshire election, where Mr. St. John was returned, and Lord Ongley was a petitioner against a false return. On that occasion, there were, his Lordship said, two petitions, one against the return, and another upon the merits of the election. In the arguments urged on considering the case, a distinction had been drawn between the *possession* and the *seat*, and it had been agreed that Lord Ongley was entitled to the return. Upon enquiring into the merits of the election afterwards, the Committee re-seated Mr. St. John. In like manner the present Motion concluded upon the possession, but it did not decide the seat. The Noble and Learned Lord, the Earl said, *dared* not meet him on the question of law, for there he knew the argument was so strong, that no reasoning could shake it. His Lordship declared himself a strenuous advocate for the Motion.

Lord Sydney said, he despaired of doing much good, by the little he had to say, if the arguments of the Noble and Learned

Ld. Sydney.





Lord on the woolfack had failed to make any impreſſion upon the generality of the Houſe, but he could not fit ſtill and hear a Motion perſiſted in, that was ſo unneceſſary and ſo unprecedented. His Lordſhip then repeated ſeveral points that the Lord Chancellor had touched upon, and urged additional arguments to enforce them; after which he took notice, that as their Lordſhips Journals furniſhed no precedent for ſuch a meaſure, recourſe had been had to the other Houſe, in order to find one. He had, he ſaid, ſpent a great part of his life in that aſſembly, conſequently he was no ſtranger to its proceedings; but he deſied any Noble Lord to prove that the Houſe of Commons, in any one of their election deciſions, (and many of them had formerly had a good deal of faction and party mixed with them) ever came to ſo ſtrange a reſolution as to ſend down to the Returning Officer, that they had reſolved that ſuch a ſpecific principle ought to govern the election of any borough or town in future. His Lordſhip denied that the doctrine ſtated by the Noble Earl who ſpoke laſt, had been the opinion of Sir George Saville, with whom he had always lived on terms of the ſtricteſt intimacy. His Lordſhip ſaid, he knew the Noble Earl who ſpoke laſt wiſhed for nothing more than a controverſy, but he would not indulge him any more than the Noble and Learned Lord on the woolfack had done, and that probably for the very ſame reaſon. After a few more arguments in ſupport of the Lord Chancellor's objections, his Lordſhip concluded.

Lord *Kinnaird* controverted the arguments of the Lord Chancellor and of Lord Sydney. Moſt undoubtedly, he ſaid, the Reſolution of 1708-9, was not a law, but it was the conſtruction of the exiſting law, as declared by that Houſe in its judicial capacity. With regard to the rights of the two Noble Dukes, the agreeing to the Motion would not affect them in the leaſt, becauſe, in his conception, they had been decided upon by the Reſolution of 1708-9. In answer to the challenge to produce a precedent, his Lordſhip ſaid, it was not to be wondered at that there ſhould be no precedent, becauſe it was  
a new





a new case, but it was not for that reason the less just and equitable. If the Resolution of 1708-9 was thought injurious to private right, why not move to rescind it, and thus in a fair Parliamentary way put an end to it? So long as it stood upon the Journals, it was and ought to be of efficacy. His Lordship urged a great variety of ingenious arguments, and declared, that he saw no sort of occasion for the long notice, the solemnity of proceeding, the caution and the preparation that had been contended for. The Motion did not alter the Resolution of 1708-9, it only tended to make it answer the purpose for which their Lordships ancestors originally passed it.

The Earl of *Denbigh* said, the whole of the question appeared to him to be much misunderstood; that the case did not stand upon a Resolution, as the House seemed to have conceived, but was still stronger; for instead of a single Resolution, it was now the Law of Parliament, the House having done an act subsequent to the Resolution of 1708-9, viz. Ordered the Clerk of the Parliament at the Bar of the House, to erase the name of the Marquis of Lothian from the return of the Scotch Peers, and to insert the name of the Marquis of Arundel. His Lordship expatiated very strenuously upon that fact, contending, that it materially altered the nature of the case. He also gave the History of the Resolutions of the Scotch Parliament, that had been alluded to, and mentioned that the Lords and Commons both sat in one House, and that of course the question that had been there carried, that no British Peer, either then or hereafter should vote, was a *double* and a compound question. Had it been divided, his Lordship said, he did not conceive it would have been carried. With regard to the rights of the Noble Dukes, they were already decided upon, but it ought to be remembered, that the Noble Duke who had talked of being heard by his counsel, was no longer a Duke in that House; he was only Baron Douglas. At a dance, a ball, a dinner, or a fete, either in his own house, or elsewhere, he was Duke of Queensberry, but within those walls he was only Lord Douglas.

He





He had given up his pretensions to any higher title, and he had done wisely—*he had got a better thing* for it. His Lordship spoke remarkably pertinently and pointedly in support of the Motion, again reminding the House, before he sat down, that having acted upon the Resolution of 1708-9, in the instance that he had mentioned, the House had made it part of the Law of Parliament, and therefore, in his conception, they had it not in their power to rescind it, even if the Noble Duke, or rather Baron, could persuade them to go that length.

Lord Stormont.

Lord Viscount Stormont said, the question had been so ably and so fully discussed and supported by several Noble Lords, and especially by the Noble Earl who spoke last, that he would not take up much of the time of the House by arguing the subject at large. His Lordship then, with his wonted ability, combated the arguments of the Lord Chancellor and Lord Sydney, and said the Noble and learned Lord had thought proper to oppose a Resolution of the House, that had been originally carried without deliberation, and had been since condemned and done away by Act of Parliament, to a Resolution that had been preceded by ample deliberation, and very copious and abundant discussion, and which, till lately, had never been called in question, in any manner whatsoever. [The Lord Chancellor said from the Woolsack, “both Resolutions were carried by the same men.”] Lord Stormont positively denied that such had been the fact, and said he must, as it was so asserted, go more at length into the history of the two cases than he had intended. His Lordship then recapitulated the historical facts of those times, and relied upon them as incontrovertible evidence of the truth of his argument. He took notice of what the Lord Chancellor had said of the authority of a writer who had been afterwards pilloried, and observed, that as they were by a most unlucky accident deprived of the assistance of that great legal knowledge and ability, that had been so essentially displayed in elucidating the former question, he was sorry to hear any part of that

• Noble





Noble and Learned Lord's speech alluded to in his absence. He complimented the absent and the present Noble and Learned Lords on their respective talents, and said, he hoped in future times they would be looked up to as the Lord Cooper and Lord Somers of their day; but he could not admit that the Noble and Learned Lord on the Woolfack was more competent from his historical knowledge to speak upon the Act of Union, and the intention of those who passed the Resolution of 1708-9, than Lord Cooper and Lord Somers, who took part in all those transactions, and were principal actors in that glorious scene! With regard to the Resolution of 1708-9, it had, his Lordship said, been acquiesced in for near 80 years, nor had any Clerk, till in a late instance, dared to take any votes declared by that Resolution to be improper; it became therefore highly necessary, that the House should enforce the Resolution, by sending a copy of it to the Lord Register of Scotland. He owned, he was a little astonished to have heard it said, that there were no precedent for that House sending any one of its Resolutions to a Returning Officer. Such a declaration must have been owing to an accidental lapse of memory, for surely it could not have been forgotten, that so lately as the year 1762, several persons laid claim to Scotch Peerages, and attempted to vote at the election of Sixteen Peers; insomuch, that their Lordships took notice of it, and entered into a string of Resolutions upon the subject. Lord Stormont said, he had one of them in his pocket, which he would read to the House; his Lordship then read the words of a Resolution, stating, "that whereas William Alexander claims to vote for the election of Scotch Peers, under the title of Earl of Stirling, Resolved, that no person, calling himself a Scotch Peer, shall be allowed to vote at an election of Scotch Peers, unless his pretensions to the Peerage shall have been previously made out to the satisfaction of this House;" and after several more of a similar tendency, respecting different claimants of Scotch Peerages, his Lordship said, there





there followed a Resolution, “that copies of all the preceding Resolutions *be transmitted to the Lord Register of Scotland.*” His Lordship dwelt upon this for some time, and next mentioned, that one of the string of Resolutions alluded to by him was, “that no list, unless *validly* signed by two witnesses, should be capable of being received.” He put the case, suppose that the two Noble Dukes possessing British Baronies, by virtue of patents of creation, who voted at the last election, had sent in lists not legally signed. In that case, undoubtedly, their lists would not have been received, and then they would have acted in violation of two of the Resolutions of that House, instead of one only. His Lordship expatiated upon these points with great force of argument, and said, the Noble Dukes would stand in the same predicament that they already stood in, after the present question was carried. He concluded with declaring his hearty concurrence with the Motion.

**Ld Douglas.** Lord *Douglas* (Duke of Queensberry) rose as soon as Lord Stormont sat down, and said, if the Resolution of 1708-9 was good for any thing, he well knew he had no ground to stand upon, but he should still contend that a Resolution of that House was not final and conclusive, and therefore, if the present Motion were carried, his rights were injured materially; because if after the Motion were to be passed, he were to offer to vote at any future election, his vote would be refused, and consequently he should not stand in the situation he then did, as several Noble Lords had contended. With regard to the invalidity of mere Resolutions, let the House look to their Journals and see how various and contradictory of each other their Resolutions were; in the Resolution of 1708-9, and the Resolution of 1711, how was his noble ancestor (the Duke of Dover) dealt by? One Resolution took away his vote as a Scotch Peer, the other took away his seat as a British Peer, and surely he was either a Scotch or a British Peer. He persisted therefore, in his claim to be heard by his Counsel in defence





defence of his rights, before a Motion was carried; which so far changed the nature of those rights, that it would put him in a worse situation than before, and prevent him from voting, in the first instance. Besides, how fallacious was it to tell him, that he should stand just where he did, after the Motion was carried, when the House, in that case, would be fortified by their own Resolution against any appeal he might bring to their bar, and would have nothing to do, but to order their Resolution to be read to him, as binding upon themselves, and as a full and complete answer to all that he could have to urge.

The Earl of *Moreton* said, he saw no reason to prefer one Resolution of the House to another; as that of 1711 had been considered as unjust, why might not the other Resolution of 1708-9 be deemed liable to the same imputation. At least till he heard some good reason to the contrary, he should hold himself entitled so to consider it. His Lordship observed that the Act of Union directed that sixteen Scotch Peers should be chosen by *all* the Scotch Peerage, to be their representatives in Parliament; why therefore were they to set up distinctions contradictory to an express Act of Parliament?

The Duke of *Richmond* said, it appeared to him to be so unjust to pass the present Motion in the absence of one Noble Duke, whose rights would be materially affected by it; and when another Noble Duke, standing in the same situation, desired, while on his legs in this place, to be heard by his Counsel in defence of his rights, that he could not think the House ought on any account to adopt so monstrous a measure, especially when it was considered that the matter had been brought on of a sudden, and by surprise. His Grace declared, that he waved all consideration of his own personal interest in the question, and had no scruple to acknowledge that his private opinion was, that the Resolution of 1708-9, was a right one; but under the circumstances of the case, he thought it most unjust to attempt to enforce it in such a way as that proposed,



proposed, without any petition being presented, any complaint made, or any new occasion formally stated, to warrant the House in its judicial capacity to re-pronounce its opinion. The Duke contended, that no judicial Court ever took upon themselves, upon their own mere Motion, and without a new case before them, to promulgate a judgment long since delivered. His Grace recommended a procedure by Bill, in preference to the proposed Motion, and said, that would be acting legislatively, wisely, and justly, because it would remove all ground of complaint of injury, and would afford the parties, who conceived their rights infringed upon, abundant opportunity of making out their claims in the progress of the Bill through its various stages. His Grace warmly reprobated the observation of Lord Stormont, that for nearly 80 years no Peer had *dared* attempt to vote, declaring that, in his opinion, every man from the highest to the lowest, who thought he possessed a right, was strictly justifiable in endeavouring to avail himself of that right. [Lord Stormont said, from his seat, "The Noble Duke mistakes me; I never said any such thing."] His Grace said, he so understood the Noble Viscount. He also took notice of part of Lord Denbigh's speech, and before he sat down, repeated his assertions, that the House ought not on any consideration to come to a hasty and sudden decision on a case of such magnitude, and where there was no real necessity for such extraordinary precipitation.

Lord Den-  
bigh.

Lord *Denbigh* in explanation went over the principal parts of his former speech, and said, he thought their Lordships would act wisely to enforce a Resolution, which their ancestors had for sufficient reasons put upon their Journals.

Lord Stor-  
mont.

Lord *Stormont* said, after so pointed an allusion to what had fallen from him, as the Noble Duke had made, he was under the necessity of trespassing upon their Lordships for a few moments. His Lordship then declared, that he had not talked of Peers *daring* to attempt to vote, but had said, that for nearly 80 years no clerk had *dared* to accept any votes in defiance





defiance of the Resolution of 1708-9, till in the instance of the late election. The expression, however, he begged leave to retract, as he did not mean more by the words *dare* and *defiance*, than to express the fact, that no attempt had been made to vote by any Scotch Peer possessed of a British Peerage by patent of creation, nor consequently had the Clerks of the Lord Register received any vote so tendered. The workings of his mind, when he spoke from strong conviction, his Lordship said, naturally occasioned him to use strong language, but he certainly had no intention to apply harsh terms to any description of persons, whether elevated or humble in their rank and situation. He could have no interested motive for so strenuously supporting the Motion; he was related by blood to many of the Scotch Peerage, and intimately connected by acquaintance and friendship with most of them. There were those besides as dear to him as himself, who would be sufferers by the Motion being carried, (as far as the possession of an unjust power could be deemed suffering) for those who were to come after him, would sit in that House in their own right, as British Peers.

The Duke of *Richmond* made a short reply, in which his Grace repeated the main points of his former argument.

Duke of  
Richmond.

Lord *Walsingham* and Lord *Townsend* had each risen twice, but did not catch the Lord Chancellor's eye before the question was put from the Woolfack, when the House divided,

Lord Wal-  
singham and  
Lord Town-  
send.

*Contents* . 51.

*Non Contents* 35.

*Monday, May 21.*

# I M P E A C H M E N T.

Mr. *Burke*, accompanied by several Members of the House of Commons, brought up another Article of Impeachment, and being at the Bar, Mr. *Burke* spoke as follows, viz.

“ My





Lords,

“ I am commanded by the Commons to bring here, and leave with your Lordships, this further Article against Warren Hastings, Esq; late Governor General of Bengal, in further support of their Impeachment against him.

Mr. Burke afterwards brought up a second message :

“ My Lords,

“ I am commanded by the Commons to acquaint your Lordships, that Warren Hastings, Esq; impeached by them, is in the custody of the Serjeant at Arms belonging to the House of Commons ready to be delivered to the Gentleman Usher of the Black Rod, when your Lordships shall give order therein.”

Lord Thurlow.

After the *Lord Chancellor* had stated the substance of the two messages,

Lord Walsingham.

Lord *Walsingham* rose, and began by observing, that there was no branch of the functions of that House, in the exercise of which they ought to be more cautious and circumspect, than in what related to their judicial character; they ought also to be singularly vigilant in such cases, in their attention to the conduct of the other House. Their Assembly (the House of Lords) was, he remarked, the most august and respectable of any tribunal upon earth, of all modes of proceeding, that by impeachment was the most solemn, and the Impeachment then before them was, considering the magnitude of the charges, and the consequence and rank of the person accused, perhaps the most important that ever had been entertained in the House. He had two Motions, he said, to make, the one relative to commitment, the other relative to bail.—He went at some length into the nature of the criminal jurisdiction of that House and its origin, and gave a short history of bail in general—which he defined to be a delivering of the person of the accused into the custody of his friends, to be by them produced according to the terms of their recognizance, either from day to day, or at any fixed time as the Court,





Court, out of whose hands he was taken, should appoint. Bail, he observed, was a matter of common right, and was formerly allowed in all cases, treason and murder not excepted, but was afterwards taken away in those cases by statute; the admitting persons impeached to the privilege of bail, had however been the uniform practice of that House. The bail he should propose, would be, he said, Mr. Hastings's own recognizance in the sum of 10,000*l.* and that of two sureties in 5000*l.* each. The sums he had stated were, he observed, the greatest that ever had been demanded by that House on similar occasions, as far as he had been able to ascertain it, and he had searched for precedents with considerable diligence: but perhaps other Noble Lords might have made more successful enquiries; if so, he hoped they would state any other precedents that might have come within the reach of their investigation, as it was highly necessary that the House should proceed upon the fullest possible information. His Lordship then went into a general statement of the several precedents that had come within his knowledge. He first mentioned one in which the House had demanded bail to the amount of 2000*l.* the party himself in 1000*l.* and his two sureties in 500*l.* each; the remaining precedents were each of them in a progression increase up to 20,000*l.* which was the last he stated; and in that case the party was bound in 7000*l.* and eleven sureties in 1,200*l.* each. And he remarked that 40,000*l.* had been originally demanded, but from what reason did not appear; the smaller sum was, after an interval of a fortnight, accepted. Dr. Sacheverel was bound in 6000*l.* himself, and his sureties in 3000*l.* each. He also mentioned many other cases, as that of ship money, of the seven Bishops, adherence to the Pretender, in none of which the bail demanded amounted to so much as 20,000*l.* He concluded by moving,

“ That Warren Hastings, Esq; be taken forthwith into the custody of the Gentleman Usher of the Black Rod, or his





Deputy or Deputies attending that House, and be kept by him or them till the further orders of the House."

The Motion being read to the House by the Lord Chancellor; it was Ordered.

A few minutes afterwards, Sir Francis Molyneux, Gentleman Usher of the Black Rod, came to the Bar, and informed their Lordships, "that Warren Hastings, Esq; was in his custody."

It was then Ordered, "that Warren Hastings, Esq; be brought to the Bar." Mr. Hastings was accordingly attended to the Bar by Sir Francis Molyneux, where having bent his knee, the Lord Chancellor bid him rise, and ordered the Articles of Impeachment to be read over.

After the Clerk had proceeded some way, Sir Francis Molyneux said, it was Mr. Hastings's request, if their Lordships thought proper, that the Articles might be read short, and Mr. Hastings said, *My Lords, I request—* and then stopped.

Duke of  
Richmond.

The Duke of *Richmond* desired, that the Articles might be read at length, declaring, that he was a stranger to their contents, since he had thought it his duty not to look at them, nor enquire about them, till they came regularly before the House; and therefore, as it was a judicial proceeding, he hoped their Lordships would not pass it over without due solemnity, and attention to every part of it.

Lord Thur-  
low.

The Lord Chancellor left the woolfack, and said, he had ordered the Articles of Impeachment to be read over, and he had no reason to think the Clerk would not do his duty. He believed he had hitherto read them at length, and was proceeding so to do when the Noble Duke had risen.

Mr. Arnott (the reading Clerk) then went on, and was occasionally relieved by Mr. Cooper.

Lord Dun-  
more.

At half past nine o'clock Lord *Dunmore* moved, "That Mr. Hastings might be indulged with a chair," which was immediately consented to by the House.

The





The reading of the Sixth Article of Impeachment being concluded,

Lord *Townsend* rose, and expressed a wish that the remainder might be concisely read. Lord  
Townsend.

The Marquis of *Stafford* said, it was not consistent either with the dignity of the House, or the honour of Mr. Hastings, that the Charges should not be gone through. Marquis of  
Stafford.

The Duke of *Richmond* was also against the remainder of the Charges being concisely read, and wished rather that the reading might be postponed, than not fully gone through with; for unless the Articles were fully read, it was impossible to judge what bail it would be proper to admit. Duke of  
Richmond.

The Lord Chancellor said, according to the rules of the House, the reading of the remaining Articles could not be postponed. Lord Thurstlow.

The Clerks then proceeded with the remaining Articles, which having gone through, Mr. Hastings made a request, that their Lordships would indulge him with a copy of the Articles exhibited against him, and that they would order him counsel, and grant him sufficient time to deliver in his answer to the Articles.

Lord *Walsingham* rose, and in a short speech concluded with moving, "That Warren Hastings, Esq; be admitted to bail, himself in 10,000l. and two sureties in 5000l. each." Lord Wal-  
ingham.

The Duke of *Norfolk* conceived the bail not to be sufficient. The highest bail on their Lordships Journals, his Grace observed, was 40,000l. The Charges exhibited in the House of Commons against Mr. Hastings, were of great enormity, and deeply affecting the national character. He submitted it to their Lordships, therefore, whether out of respect to the House of Commons, and in consideration of the magnitude of the charges, it would not be proper to have bail to the amount of 50,000l. He admitted, that in all cases excessive bail was bad, and contrary to Magna Charta, and declared, that if Mr. Hastings, or any of his friends, should object to that bail as excessive, he should not persist in his motion. Duke of  
Norfolk.





Lord H.  
toun.

Lord *Hopetoun* was of opinion, that the bail first moved was sufficient, but for the purpose of preserving unanimity, and to prevent any disagreement appearing on their Lordships Journals on so solemn an occasion, he acquiesced in the bail proposed by the Noble Duke.

Lord  
Townsend.

Lord *Townsend* seconded the Motion of the Noble Duke, assigning as a reason for so doing, that from the extent of the charges, and the enormity of the offences Mr. Hastings was charged with, he deemed large bail to be absolutely necessary, and at the same time believed the difference of bail would be no consideration to Mr. Hastings.

Lord Thur-  
low.

The *Lord Chancellor* observed, that as the Articles exhibited by the House of Commons contained very considerable and weighty charges, it was necessary to have sufficient bail; but, his Lordship said, that excessive bail was always to be avoided, as by such bail any person might be imprisoned by not having it in his power to procure sufficient sureties. If such excessive bail was demanded, as it was not in the power of the person impeached to procure, then punishment would be oppression, and the effect of an example would be lost. His Lordship concluded by saying, that in his opinion, it would be proper to here to the precedent on their Journals, to prevent their being led astray, and, therefore, he moved to admit Mr. Hastings to bail, himself in 20,000l. and sureties in 10,000l. each.

Duke of  
Norfolk.

The Duke of *Norfolk* having signified his assent, it was ordered that Mr. Hastings be admitted to bail in 40,000l.

Lord Thur-  
low.

The *Lord Chancellor* left the woolfack, and said, that as the Articles exhibited against Mr. Hastings contained transactions that had taken place at many periods, and in many scenes, and took in nearly the whole of Mr. Hastings's conduct while in India, it was not possible, in his Lordship's opinion, that Mr. Hastings could draw up an answer thereto during the short period of the present Session; he therefore submitted it to their Lordships consideration, that Warren Hastings, Esq; be or-  
dered





dered to deliver in an answer to the Articles in one month's time, or on the 2d day of the next Session of Parliament.

The question being put, it was ordered.

Mr. Hastings was then called in, and having entered with the Usher of the Black Rod, and knelt at the Bar,

The *Lord Chancellor* ordered him to rise, and informed him, <sup>Lord Thurlow.</sup> that their Lordships had, in compliance with his request, granted him a copy of the Articles of Impeachment, and had ordered him to deliver in an account in writing in a month's time, or on the 2d day of the next Session of Parliament. His Lordship farther informed him, that their Lordships had agreed, according to his request, to grant him counsel. He desired him therefore to inform their Lordships on the assistance of what counsel he wished to rest his cause.

Mr. Hastings named Mr. Plomer, Mr. Law, and Mr. Dallas, who were immediately ordered by the House to be his counsel.

The *Lord Chancellor* further informed him, that their Lord- <sup>Lord Thurlow.</sup> ships had admitted him to bail, himself in 20,000l. and two sureties in 10,000l. each, and asked him whether he had sureties present?

Mr. Hastings answered in the affirmative, and having offered as his sureties Messrs. Sullivan and Sumner, the *Lord Chancellor* asked them whether they were housekeepers? and whether, after the payment of their debts, they each were worth ten thousand pounds? and being answered in the affirmative, their recognizances were taken, and Mr. Hastings was ordered to withdraw.

The Marquis of *Buckingham* moved, "That the Articles of <sup>Marquis of Buckingham.</sup> Impeachment might be printed for the use of their Lordships."

The Duke of *Richmond* seconded the Motion.

The *Lord Chancellor* said a few words in support of the Mo- <sup>Lord Thurlow.</sup> tion, after which the Motion being put, was agreed to, and the paper ordered to be printed.



*Tuesday, May 22, 1787.*

### INSOLVENT DEBTORS B.

The Order of the Day being read for the House to resolve itself into a Committee on the Insolvent Debtors Bill,

Duke of  
Norfolk.

The Duke of *Norfolk* shortly stated, that there were above three thousand debtors confined in the different prisons of the kingdom, the loss of whose labour was a material injury, not only to their families, but to the public. That circumstance his Grace considered as so strong an argument in proof of the necessity of the House agreeing to pass the Insolvent Bill sent up to their Lordships by the House of Commons, that he thought it unnecessary to take up their time by any farther discussion of the subject. His object, and that of every Noble Lord who meant to support the Bill, he said, was to set the unfortunate and not the fraudulent debtors at liberty; the Bill therefore contained several restraining clauses for the prevention of fraud and imposition; but if any further restraints should be thought necessary, he should be very ready to introduce or receive clauses for that purpose in the Committee, and so to modify the Bill as to render it acceptable to the House, and salutary in its effects with regard to the public.

Lord Thur-  
low.

The *Lord Chancellor* began with saying, that no man would merit a seat in that Assembly, or a seat as a magistrate in any court whatever, who could be insensible to the miseries of the numberless persons suffering in prison, or so malignant an enemy to the happiness of mankind as to feel a satisfaction in their distress; but to act blindly, unguardedly, and capriciously on either principle, was equally unjust, unwise, and impolitic. His Lordship entered at large into the argument of the expediency of Acts of Insolvency, as well as the manifest injustice of breaking in upon that compulsory and power of coercion of payment with which the law of this country had armed the creditor for the security of his property. If there was to be such

a thing





a thing as imprisonment for debt, his Lordship said, it ought to continue unchecked and unrestrained, unless in cases of flagrant oppression and unnecessary cruelty. The general idea that humanity required the intervention of the Legislature between the debtor and the creditor, was, he said, a false notion, founded in error, and dangerous in practice. He, who had frequent opportunities of knowing and witnessing the temper of creditors, seldom found cause for complaint on the ground of their severity; but on the contrary, the lenity and kindness of the collective body of creditors, who daily came before him, were uniformly great, warm, and abundant. He had in aid of his own observation, a great professional authority (whose absence, and the cause of it, every man must lament) for declaring, that for every *twenty cruel debtors*, there scarcely ever appeared in the Courts of Law *one cruel creditor*.—Those, therefore, who imagined the reverse to be the fact, were egregiously mistaken. It had been said, that the laws respecting debtor and creditor, in mesne process, and in execution, stood in need of revision, with a view to alteration and amendment. Perhaps the assertion was in some degree founded, and he had no scruple to say, that he should be extremely willing to pay every possible attention in his power to the consideration of so weighty and important a subject, but he earnestly conjured their Lordships not to countenance such breaches of faith with creditors as occasional Insolvent Bills. With regard to the argument that there were 3000 debtors in the different goals; possibly there might be that number, but the number that could be stated under the circumstances of an Insolvent Bill pending in Parliament, was not the number that ought to be looked to as any aid to that House in forming and fashioning their opinion with respect to the Bill under consideration. The number of prisoners in a jail, including their suites, their families, and attendants, was one number; the number of actual prisoners, either on mesne process or in execution, was another; and the number of prisoners on the speculation of an Insolvent Bill,





was third number, so that little argument was to be drawn from that consideration worthy of much reliance. A much greater evil than the loss of liberty, his Lordship said, was the dissipation and corruption that prevailed in all our prisons; to that their Lordships had much better direct their attention, than to the defrauding the creditor of his chance of recovering of his property, by letting loose his debtor, and taking from him the hopes of payment. With regard to the Bill under consideration, his Lordship said, it was the most objectionable of the kind that he had ever seen. In one part it interfered with the Bankrupt Laws, and took out of the hands of the persons entrusted with the execution of those laws, all the causes of bankruptcies now pending, and put them into the hands of Justices of the Peace. He was not so vain, he said, as to suppose, that there were not some Justices full as competent to do that business as he was, or any other professional man, but in general Justices of the Peace could not execute such offices so well as those whose lives had been spent in the practice. His Lordship drew the distinction between debtors in respect to trade, and debtors of another description. He spoke of the ancient notion, under which a tradesman who could not pay his debts was punishable. Afterwards, as the principles of trade became better understood, more enlarged ideas prevailed, and the bankrupt laws were instituted for the relief of those traders who had, through unforeseen misfortunes, incurred debts to a greater amount than their capitals and the sums owing to them would satisfy. These laws had ever been deemed a generous provision, as well as a wise protection for cases of that description. On the other hand, those who ran in debt knowing that they never should be able to pay, were certainly fit subjects of that severity which the law as it stood, empowered their creditors to exercise towards them. The present Bill, he observed, made no sort of distinction between the two descriptions, but provided equally for the liberation of all debtors of almost every description; and consequently being indiscriminate in its object, could not possibly be just.

His





His Lordship laid great stress on this remark, and then proceeded to state objections to the several clauses of the Bill one after another. With regard to the clause which related to commissioned and non-commissioned officers, he was very ready, he said, to assist to extend the arm of the public to the relief of that deserving description of men, but then he could not consent to extend the arm of the public to their relief at the expence of individuals. He spoke of annuitants for less than a thousand pounds being included in the Bill as a most improper matter, observing, that though the limitation was to a sum less than one thousand pounds per annum to any individual, yet the debtor might have ten thousand pounds a year to pay, if it was divided in payment to eleven annuitants.—Another part of the Bill that he mentioned, with some degree of indignation, was, its comprehending within the objects to be relieved by it, traducers of private character, persons found guilty of the most atrocious offences against society, whose punishment fell greatly short of the degree of their enormity. If an information were filed against such wretches, they had the impudence, he said, to threaten a justification. If on the other hand, an action was brought, and damages given, inadequate in every consideration to the proportion of their guilt, they threw themselves into the King's Bench Prison, and trusted to an Act of Insolvency for relief. The clause relative to fugitives beyond sea also challenged his reprehension. His Lordship considered such clauses as affording encouragement to bad-minded men to get into debt, go abroad, and after having there spent in dissipation, and at their ease, all the remains of their fortune, or much of the property of others, which they carried off with them, to come back and take advantage of an Insolvent Act to enable them to begin their career of fraud over again. After objecting, in like manner, to some of the exceptions contained in the Bill, and condemning almost every part of it, His Lordship spoke of the Lords Act, upon which he said all such Bills as the Bill then under consideration was an intrusion.





tion. He had been prevailed upon two years ago by a No  
Earl, near him (Lord Fitzingham) who had argued with  
much ability and wisdom on the subject as he ever heard a  
man argue with, to consent to alter the sum stated, as the  
mitation in that Act, from 100l. to 200l. which, consider-  
the different value of money now to what it was when  
Lords Act first passed, was not unreasonable. He stated  
history of the Lords Act, shewing, that it went on the pr-  
ciple of the *Cessio Bonorum* in use in Scotland, and he dr-  
from thence an argument against the proposed Insolvent B-  
Another argument urged by him against the Bill, was  
preamble of the last Insolvent Act, passed soon after the ri-  
of 1780. That preamble was not, he said, his drawing, but  
that of a much abler man, and the plain meaning of it was  
an intimation to creditors that it was not very likely that a  
more Insolvent Bills would be passed: now, though he would  
admit that one Parliament could undo what a preceding Par-  
liament had done, he asked their Lordships, whether they were  
willing so wantonly and rudely to trample on the authority of  
a former Act, and break the federal compact, which by the  
preamble they had, as it were, entered into with creditors?  
After a great variety of arguments, immediately apposite  
the Bill before the House, he returned to a discussion of  
law of imprisonment, and of the management and conduct  
our prisons. He said, he had lately had the honour of a con-  
versation upon the subject with a Gentleman who was, not  
others, the best qualified to treat of it: he declared he knew  
Mr. Howard, whose humanity, great as it was, was at least  
equalled by his wisdom, for a more judicious or a more  
sensible reasoner upon the topic he never had conversed with.  
His own ideas, his Lordship said, had been turned to solitary  
imprisonment and a strict *regime*, (as the constitution and  
habit of living of the debtor might require,) as a puni-  
ment for debt; and that notion had exactly corresponded with  
Mr. Howard's, who had agreed with him, that the great ob-





to be, when it became necessary to seclude a man from  
of society, and imprison him for debt, to take care that  
he out of prison no worse a man, in point of health and  
than he went in. There was a part of the Scotch law,  
his Lordship said, he much admired, and that was,  
ing those who were concerned in advising a tradesman  
fraudulent bankrupt, and aiding and assisting him in  
g such a bankruptcy, with more than ordinary severity.  
He meant particularly to attend to in the project,  
the outlines of which he had, upon the spring of his  
for the moment, rather than from any digested plan of  
reflection, taken the liberty of rudely suggesting to the

Another matter he had in contemplation was, to  
creditor to allow the groats, agreeable to the Lords  
and encrease them, if the constitution and habit of his  
should require it. In order to indemnify the creditor  
he meant to enable him to take out two processes at  
first, what was called the writ of *fieri facias*, and the  
return, and to allow the creditor to add the groats to  
the debt, for which the estate of the debtor, either in  
reversion, or expectancy, should be liable. Above  
on a strict *regime*, solitary confinement, and care to  
relaxation of morals, should be the object, Mr. Howard  
informed him, that the dampest dungeon, in the most  
gaol he had ever entered abroad, was nothing to the  
rich and dissipation that prevailed in almost every one  
of the prisons, to the disgrace and scandal of the kingdom.  
He recited a story that Mr. Howard had told him in  
this, and declared his wish that he could relate it  
in such affecting simplicity. It was this:—A Quaker  
told Mr. Howard to go with him to witness a scene,  
he went singly, he feared would be too much for his  
it was to see a friend in distress, a person who had  
fallen into the King's Bench prison. When they came  
there,





there, Mr. Howard said, they found the man had been playing at Fives; they were greatly shocked at the fact. He asked him to go to the coffee room and take a glass of wine. The man said, No, he had drank so much that he could not drink wine; however, he would leave the room, and take a glass with them before they went. Howard and his friend came away with a very different sentiment from that which they had entertained when they were at the prison, but with a sentiment not less afflicting to a friend.—His Lordship commented upon this story, urging several additional arguments against Involvement in general, and the Bill before the House in particular, and concluded with moving, “that the Bill be committed to a Committee on the 19th of June.”

Lord Raw-  
don.

Lord *Rawdon* rose to support the Bill. His Lordship confessed he laboured under peculiar disadvantages, in not being able to follow the Noble and Learned Lord; but as he saw the subject of imprisonment for debt in a very different light from which his Lordship had viewed it, and thought that the laws authorising such a practice matter of serious consequence, he must trouble the House with his reasons for entering into such an opinion. The clauses of the Bill, as it stood, he thought were extremely defective, and therefore he would move for it to be committed to a Committee to amend those clauses. His Lordship said he would not detain the House by enumerating all the statutes that had passed from the earliest periods of time on the subject of imprisonment for Debt; he would only state the gradations of the modes of proceeding, as they had been adopted at different periods. He then mentioned, generally so much attention had been paid to the usefulness of the Bill to his family and the public, that when property was seized, his utensils of agriculture were not unattachable. Having stated this, he said, the writ of *habere facias* was the first process, and that was multiplied till a





debtor was seized. Afterwards the writ of *capias ad*  
*um* was added. His Lordship talked of that as a se-  
 oppressive process, and regularly traced the stom  
 rles the Second's time, when, in consequence of the  
 f tenures, an alteration was made in the mode of  
 a debtor, much to his disadvantage, and that mode  
 continued to the present moment. He pointed out  
 the law was to abuse, as it stood at this day, and  
 although he admitted Insolvent Bills to be at best  
 remedies, yet that such remedies must be applied,  
 to time, as long as the law remained in its present  
 condition. His Lordship complimented the Lord  
 or on his intimation of his readiness to take part in a  
 of the law in the case of Imprisonment for Debt, but,  
 in time, he declared he felt it to be his duty to sup-  
 Bill then before the House: it was the cause of hu-  
 since the Noble Duke had stated, that 3000 debtors  
 ed up in prisons; and surely the labour of so large a  
 subjects was a matter well worthy the most serious  
 tion of the House!

Earl of *Hopetoun* supported the Bill, and said, he would Earl of  
Hopetoun.  
 ht to have it got rid of by a *shove-off* a month, to  
 when it was well known Parliament would not be  
 His Lordship appealed to the humanity of their Lord-  
 whether they would permit a Bill, sent up from the  
 use for the relief of so many of their fellow subjects,  
 at least, he hoped they would suffer it to go into  
 nittee to be altered, amended, and improved; and  
 passed, late as it was in the Session, the House of  
 would have time enough to pass it.—The Earl,  
 e of his speech, said, he would be bold enough to as-  
 w, and to pronounce it a trap set for the Tradesman  
 a ceper, and kept in the hands of the Merchant and  
 urer: it was, he said, so imperfect as to make such  
 a Bill





a Bill as the present absolutely necessary; and he  
 server that it was peculiarly proper, at a period  
 ut to extend our commerce, and in all p  
 req re the industry and ability of all our artificers,  
 manufacturers.

Lord Stormont.

Lord *Stormont* declared, he had not meant to h  
 word on the Bill, for he had not as yet made up  
 the question, whether a Bill of Insolvency might  
 framed as to make it fit to pass that House, and  
 should not vote at all. With regard to the Bill  
 House, it was in its present form, his Lordship sa  
 wild, extravagant, and improper, of any Bill he h  
 on the subject. He proceeded to point out objection  
 parts of the Bill, and entered into a comparison  
*Bonorum* of the Scotch law, as practised in that  
 kingdom, with the feeble imitation of it contained  
 He declared the clause about fugitives to be highl  
 able, and said, its clear purport was to encourage  
 get away with their creditors property, since, if t  
 breathe the pure air of France at Boulogne, or i  
 town, and get intoxicated with French wine (as  
 had seen them do) instead of going into gaol, they  
 an indemnity by the Bill. He spoke in terms of h  
 ment of the reform of the Laws of Imprisonment f  
 the Lord Chancellor had hinted at, and said, th  
 been no more than a rough sketch, it was a sketch  
 of a master, by the hand of the Noble and Learned  
 had it in his power to complete the business; an  
 consider it as a pledge that the Noble and Learned  
 it at some future period, when his leisure f  
 Lordship reprobated all Bills of Insolvency, as open  
 to gross fraud, and encouraging men to run in  
 after hoping that the Bill would not pass in its p  
 he concluded with declaring, that, ludicrous as i





1802. DEBATES.

and he had heard it set out in a manner which was not only  
 probable, but a free confession of the negligence of the  
 Government.

Lord Brougham made a short reply, and said, Government were to  
 admit the admitted defectiveness of the clauses of the Bill  
 presented, to argue against its principle, which was, that  
 there were engaged to by many fraudulent debtors, in a way  
 before was, to amend the Bill in the Committee, for to  
 be the benefit of it should only to the unfortunate, of which  
 description there were also undoubtedly many. His Lordship  
 to his knowledge great numbers, who had against their  
 will been forced into the service of their country, were in con-  
 siderable numbers lingering in prison. There were also many of  
 the same description in the same predicament who had  
 not been in Government for much more than the period  
 during which their Lordships would not declare that they were  
 entitled to relief. All he pressed for, his Lordship thought  
 that when their Lordships were going out of Court for  
 the day, they could not leave 300 of their fellow-subjects  
 languishing six months longer.

Lord Brougham said, he would not, at that late hour, intrude  
 on their Lordships' patience: he wished well to the Bill, and  
 was glad to have heard many of the arguments of the learned  
 Lord on the Woolfack, which amounted to an admission of  
 the necessity of such Bill's passing, till the reform suggested by  
 the Noble and Learned Lord was adopted.

The question was put, and the House divided.

Content, (for going into the Committee the next day) 22

Not Content 25

The Lord Chancellor's Motion as carried off by a majority of  
 23 to 22.





# PARLIAMENTARY

*Wed. day, May 30.*

His Majesty came in the usual state to the House of Peers and at half after three, being seated on the Throne the Commons were sent for.

The Speaker addressed his Majesty as soon as he came to the Bar, and stated, that he had brought up with him a Bill by which the House of Commons had granted to his Majesty an additional supply. He said, it was with the highest satisfaction that his Majesty's faithful Commons had been enabled to provide for the services of the current year, without being obliged to have recourse to any new loan. He mentioned likewise, that the House had attended to the address which his Majesty had lately recommended, and unanimously voted the necessary provision for a distinguished branch of his own family. He then proceeded to enumerate transactions of the Sessions, nearly in the order in which had been recommended to their attention by his Majesty, in a Speech from the Throne. He said, they had taken such measures as appeared to them most likely to carry into effect several articles and conditions of the Treaty of Navigation and Commerce which his Majesty had concluded with the Christian King. That the State of the Revenue had engaged their most constant attention, and it had been an especial object with them, to secure it in such a manner as should support the national credit, and add to the prosperity and glory of his Majesty's dominions; and that they had passed Bills containing regulations for the safe of the Mercantile, and simplifying the public accounts in the various branches of Revenue.

After which several Bills received the Royal Assent, and Majesty was pleased to deliver the following most gracious speech.

1797